

HOUSE OF REPRESENTATIVES

HEARINGS

BEFORE THE COMMITTEE

on

STANDARDS OF OFFICIAL CONDUCT

HEARINGS ON HOUSE RESOLUTION 1042

Wednesday, July 28, 1976

Washington, D. C.

Official Reporters to Committees

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I N D E X

TESTIMONY OF:

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Hon. Ronald Dellums,
A Representative in Congress,
from the State of California;
Accompanied by:
Robert Brauer,
Administrative Assistant; and
Charles Morgan, Jr.,
Lawyer, 604 Independence Ave., S.E., Washington,
D. C.

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Hon. David C. Treen,
A Representative in Congress,
from the State of Louisiana

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Roger Carroll,
Government Accounting Office

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Ms. Susan Parker,
401 East 89th Street, New York;
Accompanied by:
Stuart Law,
Counsel

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Ms. Emily Sheketoff

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HEARINGS ON HOUSE RESOLUTION 1042

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Wednesday, July 28, 1976

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House of Representatives,

Committee on Standards of
Official Conduct,

Washington, D. C.

The committee met, pursuant to recess, at 10:05 a.m., in
Room 2212, Rayburn House Office Building, Honorable John J.
Flynt, Jr. (chairman of the committee) presiding.

Present: Representatives Flynt, Price, Bennett, Spence,
Quillen, Hutchinson, and Mitchell.

Also Present: John M. Swanner, Staff Director; John
Marshall, Legal Counsel; David Bowers, Investigator; Harvey
Harkness, Associate Counsel; Jay Jaffe, Staff Member; Andrew
Whalen, Staff Counsel; Miss Jan Loughry, Staff Counsel; Robert
Carr, Associate Counsel.

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1 Mr. Flynt. The committee will come to order.

2 A quorum is present for the purpose of taking testimony
3 and receiving evidence.

4 Ironically the bells have rung before we went into
5 session, but in accordance with our practice, the committee
6 will suspend, and committee members will return following the
7 completion of the quorum call.

8 (Short recess.)

9 Mr. Flynt. The committee will come to order.

10 Our next witness is our colleague, Representative Ron
11 Dellums from California.

12 Mr. Dellums, would you stand and let me administer the
13 oath?

XXXXXX

14 TESTIMONY OF THE HONORABLE RONALD DELLUMS, A
15 REPRESENTATIVE IN CONGRESS FROM THE STATE OF
16 CALIFORNIA; ACCOMPANIED BY: ROBERT BRAUER,
ADMINISTRATIVE ASSISTANT; AND CHARLES MORGAN,
JR., LAWYER, 604 INDEPENDENCE AVE., S.E.,
WASHINGTON, D.C.

17 Mr. Flynt. You do solemnly swear that the testimony
18 you will give before this committee in the matters now
19 under consideration will be the truth, the whole truth, and
20 nothing but the truth, so help you God?

21 Mr. Dellums. I do.

22 Mr. Flynt. Have a seat.

23 We welcome our colleague before the committee.

24 Mr. Dellums. Thank you.

25 Mr. Flynt. We would first inquire if you have a statement

1 which you would like to read to begin your appearance?

2 Mr. Dellums. I have no statement, Mr. Chairman.

3 Mr. Flynt. Are you accompanied by counsel?

4 Mr. Dellums. Yes, I am accompanied by counsel.

5 Mr. Flynt. Would you identify your counsel for the
6 record?

7 Mr. Morgan. Charles Morgan, Jr., 604 Independence
8 Avenue, Southeast, Washington, D. C.

9 Mr. Flynt. Mr. Morgan, we welcome you before the
10 committee in your capacity as counsel for Congressman
11 Dellums.

12 Mr. Morgan. Thank you.

13 Mr. Flynt. I believe you are also accompanied by Mr.
14 Brauer --

15 Mr. Dellums. Yes.

16 Mr. Flynt. -- your Administrative Assistant?

17 Mr. Dellums. Yes, that is correct.

18 Mr. Flynt. Let the record so show.

19 Mr. Brauer, we welcome you before the committee.

20 Mr. Marshall?

21 Mr. Marshall. Mr. Dellums, you are appearing here at
22 the invitation of this committee?

23 Mr. Dellums. That is correct.

24 Mr. Marshall. Prior to appearing here, you have
25 received copies of House Resolutions 1042 and 1054, have

1 Mr. Dellums. Yes, I have.

2 Mr. Marshall. As well as the Rules of this committee,
3 the investigative procedures adopted by this committee and
4 a copy of Chairman Flynt's opening statement?

5 Mr. Dellums. Yes. The staff just handed them to me.

6 Mr. Marshall. Should you need to consult with them at
7 any time, if you will just simply let us know we will be
8 glad to give you the opportunity to do that, sir.

9 Mr. Dellums, have you produced to the staff any documents
10 in your possession concerning the subject matter of this
11 inquiry, specifically the work of the Select Committee on
12 Intelligence?

13 Mr. Dellums. What was the first part of your question?

14 Mr. Marshall. Have you produced any documents in your
15 possession?

16 Mr. Dellums. I don't have any documents relating to
17 the committee.

18 Mr. Marshall. In the event your evidence or testimony
19 many involve information or data concerning an executive
20 session of the Select Committee on Intelligence, or
21 classified information, or information which may tend to
22 defame, degrade, or incriminate any person, would you please
23 advise this committee so that it may take appropriate and
24 timely action under the Rules of the House of Representatives?

25 Mr. Dellums. I will be pleased to do that.

1 Mr. Marshall. Thank you, sir.

2 Mr. Dellums, you were of course a member of the House
3 Select Committee on Intelligence; is that right, sir?

4 Mr. Dellums. That is correct.

5 Mr. Marshall. Did you receive a copy of the initial
6 draft of the Select Committee's report, that draft being
7 referred to as the January 19, 1976 draft?

8 Mr. Dellums. I received an initial copy of the draft.
9 I can't verify the date.

10 Mr. Marshall. Do you recall how you received that copy?

11 Mr. Dellums. It was handed to me by staff.

12 Mr. Marshall. Do you recall what person handed it to you?

13 Mr. Dellums. No, I don't.

14 Mr. Marshall. Where were you when you received the
15 copy? Were you in your own offices or in the Select Committee
16 spaces or where?

17 Mr. Dellums. I am not quite sure. I would assume that
18 I was in the committee.

19 Mr. Marshall. Was this draft the draft in two black
20 folders? Do you recall how it appeared?

21 Mr. Dellums. It was in one black binder.

22 Mr. Marshall. One black binder.

23 Mr. Dellums. Yes.

24 Mr. Marshall. What did you do with that copy, sir?

25 Mr. Dellums. I read it about three times in gross

1 detail, and that is about it.

2 Mr. Marshall. Did you retain the copy?

3 Mr. Dellums. No, I did not.

4 Mr. Marshall. What did you do with it?

5 Mr. Dellums. I turned my copy back into the committee
6 upon completion of my responsibility, which was to read it,
7 work with the draft.

8 Mr. Marshall. Do you recall the person on the committee
9 staff to whom you returned that copy?

10 Mr. Dellums. No. I just left it in front of my desk
11 at the end of the appropriate session, whatever date it was.

12 Mr. Marshall. Did anyone else have access to that copy
13 while it was in your custody other than yourself?

14 Mr. Dellums. No.

15 Mr. Marshall. Did Mr. Brauer have access to the copy?

16 Mr. Dellums. No, he did not.

17 Mr. Marshall. You assigned Mr. Brauer no duties with
18 regard to reviewing the draft that was in your possession?

19 Mr. Dellums. No, I did not.

20 Mr. Marshall. Did you, after receiving the initial
21 draft, receive changes to that draft from the Select Committee
22 staff?

23 Mr. Dellums. Yes, during the sessions.

24 Mr. Marshall. Do you recall whether, when you received
25 those changes, you turned over to the Select Committee staff

1 pages from the original draft that the changes were supposed
2 to be a substitute for?

3 Mr. Dellums. All of the pages were left each day at
4 my work place during the committee session. At the end of
5 the committee session I left all the documents there.

6 Mr. Marshall. That would have been within the
7 Select Committee spaces?

8 Mr. Dellums. Yes. You see, when I initially received
9 the report, I read the report in detail, as I said, two or
10 three times. After that, we began to work on the report.
11 From that point, from the initial point that I had the
12 report and read it in toto, I then left the report each
13 day at the committee, at my work station, so all the papers,
14 whether they were first, second, third or fifteenth drafts
15 were all left there in the evening. I never took them with
16 me.

17 Mr. Marshall. Would that also be correct with regard
18 to the final draft, that is what has been referred to here
19 as the January 23, 1976 draft of the Select Committee?

20 Mr. Dellums. That is correct.

21 Mr. Marshall. So as I understand your testimony, you
22 never really took the draft, any draft that you received,
23 out of the Select Committee spaces; is that correct?

24 Mr. Dellums. Except when I initially got it, and I
25 know I read it. I virtually completed the first reading in

1 the cloakroom on the Democratic side of the House over in
2 the corner alone was the first time I read the report, and
3 then once I brought the report back, I only picked up my
4 copy each day when I came in.

5 Mr. Marshall. Was your copy identified by number in
6 any way, sir, any copy you had of a draft?

7 Mr. Dellums. I don't recall any number.

8 Mr. Marshall. Were you required to sign for any draft
9 that you received?

10 Mr. Dellums. No, I was not.

11 Mr. Marshall. Mr. Dellums, do you recall on or about
12 January 20, 1976 hearing Mr. Field talking to someone on
13 the telephone whom he referred to as Dan? Do you recall
14 that conversation?

15 Mr. Dellums. No, I don't. I was never in a situation
16 to hear Mr. Field talk on the telephone.

17 Mr. Marshall. You don't recall hearing Mr. Field make
18 the following statement, and I quote:

19 "Dan, there is no way I am going to give you a copy of
20 that report."

21 This would be in the Select Committee spaces on January
22 20, 1976.

23 Mr. Dellums. I don't recall that.

24 Mr. Marshall. Mr. Dellums, during the course of the
25 Select Committee deliberations, did you move to have the

1 staff of the individual members, that is the House of
2 Representatives members of the Select Committee, cleared
3 for access to the report?

4 Mr. Dellums. Yes.

5 Mr. Marshall. Would you explain for us, please, sir,
6 your reasoning behind such a move, and what action was taken
7 on it?

8 Mr. Dellums. I was initially very, very pleased that
9 the House of Representatives saw fit to look into the
10 allegations of extraordinary abuses on the part of our
11 intelligence community. I was, secondly, very pleased to be
12 appointed as a member of that committee.

13 I also felt, given the realities of committee assignment,
14 and specifically the realities of this particular committee
15 assignment, the magnitude of the allegations, the extra-
16 ordinary nature of the information, that no one member alone,
17 without staff assistance, could cull through the reams and
18 reams of documentation and material that would be forthcoming
19 during this inquiry. I must say in all candor that my
20 thought was that if the House of Representatives, and
21 specifically this committee, was very serious about looking
22 at the allegations, and we weren't just playing games for the
23 public, that we ought to do the best possible, conceivable
24 job that we could.

25 My notion was that in order to do that job, we needed

1 to have, each of us, at least one person cleared for
2 classified information, to work specifically with the member,
3 and in some instances, where the member could not review
4 all of the material alone, that with that staff person,
5 capable of looking at the material, the two persons
6 together could do a hell of a stronger and more capable job
7 than one member alone carrying not only the Select Committee
8 responsibility, but, in most instances, two important committee
9 assignments outside of that room, plus all of the other
10 various and sundry things that members of Congress have to
11 do, official or unofficial.

12 I made a motion with essentially the same argument,
13 that this occur. The first time that I offered the motion --

14 Mr. Marshall. Could I interrupt for a moment?

15 Could you give us a time you are talking about when you
16 brought this to the attention of the Select Committee?

17 Mr. Dellums. I don't recall the dates, but it was
18 during the initial organization of the committee.

19 Mr. Flynt. May I interrupt?

20 Prior to August, prior to the second organization of
21 the committee?

22 Mr. Dellums. If my memory serves me correctly, I think
23 I brought the matter up both times, with the intial chair and
24 with Mr. Pike, who subsequently became the ultimate chairperson
25 of the committee.

1 Mr. Flynt. You did it both while Mr. Nedzi was
2 serving as chairman and also while Mr. Pike was serving as
3 chairman?

4 Mr. Dellums. If my memory serves me correctly, yes.

5 Mr. Marshall. Perhaps it might be helpful to remind
6 you that on July 17, 1975, House Resolution 591 was adopted
7 by the House, and shortly thereafter Mr. Pike was appointed as
8 chairman of the committee.

9 Mr. Dellums. I know right after that certainly I did
10 make the motion. The majority of my colleagues did not
11 support the amendment that I made, the motion that I made.
12 However, as time went on and the burden of the responsibilities,
13 the magnitude of the task before us became vividly apparent
14 in the minds of a substantial number of my colleagues, many
15 of them unofficially wanted very much to go back and redo
16 the initial action, because they began to find out that it
17 was very difficult for a member to handle all this
18 material.

19 I still think that there was great wisdom in my motion
20 although I was outvoted by my colleagues.

21 Mr. Marshall. I take it that the Select Committee
22 never adopted your motion, that is to clear the staff of
23 committee members.

24 Mr. Dellums. That is correct.

25 Mr. Marshall. You recall that after the Select Committee

1 adopted the report on January 23, 1976 that the House
2 subsequently voted to keep that report secret, do you recall
3 that sir?

4 Mr. Dellums. Yes, I do.

5 Mr. Marshall. That vote was on January 29, 1976.

6 Mr. Dellums. Yes.

7 Mr. Marshall. Did you make a statement to anyone in
8 the meeting following the House action that the report should
9 be kept secret, that you felt it likely that someone was
10 going to leak the report?

11 Mr. Dellums. Yes.

12 Mr. Marshall. Would you explain the circumstances of
13 that statement, including when, where and to whom, and what
14 the reason was for your suspicion that someone might leak
15 the report?

16 Mr. Dellums. Because I know this House, just like you
17 guys leaked the issue of how you were going to handle Mr.
18 Sikes. I mean this is a sieve here in some instances.
19 Right outside the committee room there were several cameras,
20 and normally I used to duck out the other way. I am not a
21 press hound, but I happened to get caught that particular
22 day, and they asked me what did I think. "Do you think the
23 report will ever become public?"

24 Mr. Marshall. Was this on the 29th -- excuse me. I am
25 just trying to get a time.

1 Mr. Dellums. I can't tell you whether it was the 29th
2 or the 30th or the 15th. That is all very hazy.

3 Mr. Marshall. That was when the House voted to keep
4 it secret?

5 Mr. Dellums. Yes. They said "Do you think the
6 report will ever become public" and I said "Certainly"
7 and they said "How do you think it is going to become public"
8 and I said "Someone will probably leak it." I had no
9 crystal ball except that I think I know this place.

10 I also felt, I certainly cannot prove it, that it was
11 in the best interests of the intelligence community to see
12 the report leaked, and I honestly felt that it was going
13 to be leaked, and if it was going to be leaked that the
14 intelligence community was going to have something to do
15 with it, because one way to move the House of Representatives
16 off dead center, off the violations of constitutional
17 rights, off the issue of violations of privacy, off the
18 extraordinary abuses that we had documented for nine months,
19 it would have been in the best interests of the intelligence
20 community to do it, and then some day in the future you would
21 have you guys sitting there and members of the committee
22 sitting here just as we are today, in what I consider in
23 all candor, with all due respect to my colleagues, in an
24 absurd exercise in futility, where the investigator has now
25 become the investigatee, and the intelligence community is

1 no longer being looked at and the press is no longer writing
2 about the abuses of tens of thousands of American people
3 whose rights were violated and who we documented in that
4 report, and if the American people could ever see it, and
5 if more than a handful of members of Congress would ever
6 read it, maybe we would get on with the business of reforming
7 our intelligence community that I think has gotten far out
8 of control, and many abuses that we documented probably are
9 still taking place.

10 Mr. Marshall. You testified that you reviewed the
11 initial draft of the report and the changes that were made
12 before adoption of the final draft. You also were present
13 during the Select Committee's deliberations and the
14 assembling of that draft.

15 In your judgment was there classified information, either
16 in the January 19 draft or in the final report of January 23,
17 1976?

18 Mr. Dellums. I did not -- let me answer that in two
19 parts. I think the final version of the report I did not
20 believe contained classified information. The reason why
21 I make that assertion is that we exhausted the opportunities
22 for all of the various members of the committee to go almost
23 line by line in the report, to go over individual members
24 of the committee's objection to the report, statements in
25 the report, words in the report, phrases in the report,

1 footnotes in the report.

2 We went almost line by line with respect to each
3 objection made by various administrative agencies, OMB,
4 State Department, intelligence community, et cetera. It
5 was an exhaustive process, Democrats and Republicans both
6 engaged in this process.

7 By the time we finished that report was laundered so
8 thoroughly that I am not sure it even made a profound
9 statement after that, but I think there was enough there
10 for people to understand what we were investigating but I
11 certainly in no way thought it was classified by the time
12 we finished.

13 Now Part B to the first part of your question, the
14 second part of my answer. I would stipulate that there may
15 very well have been classified information in the first
16 draft of the report, and that is why the report was subsequently
17 revised. Certain footnotes were deleted. Certain words were
18 deleted. Certain phrases and sentences were changed, but
19 I certainly did not think the final report was in any way
20 classified. That was such a laundered document, that to
21 call it a classified document would have been to give it a
22 classification far beyond reality, I think.

23 Mr. Marshall. On what occasions did you meet with any
24 representatives from the Central Intelligence Agency or the
25 Executive Department to discuss the objection that those

1 Mr. Dellums. They listed -- two responses. First of all
2 two responses. First of all, they listed -- when I say
3 "they," I mean they in general.

4 Mr. Marshall. The Executive Branch in general?

5 Mr. Dellums. Yes, listed objections, objections,
6 footnote so and so page such and such, and we went down the
7 list on that.

8 Secondly, I think virtually all of the various members
9 of the committee were at one point in the latter stages of
10 the investigation invited to Langley, Virginia. My first
11 reaction was to become paranoid at the invitation, but having
12 never been to Langley, Virginia, I was happy to go and take
13 a look at that other world, and I met with William Colby and
14 every one of the directors, with the exception of the
15 Director of Science and Technology, for approximately 2
16 hours and 45 minutes breakfast meeting which I found
17 interesting and stimulating. There were many, many areas of
18 obvious disagreement.

19 Mr. Marshall. What is the date on that, sir, or rough
20 time so we will have some idea of what time this meeting
21 occurred?

22 Mr. Dellums. I don't recall the date but I am sure
23 they have it.

24 Mr. Marshall. Was it before January 1, 1976 or was it
25 during the time the Select Committee was actually considering

1 a draft of its final report?

2 Mr. Dellums. I think it was some time after January 1.

3 Mr. Marshall. Do you recall whether you at that time
4 had a draft of the Select Committee's report?

5 Mr. Dellums. Oh, no, not at all.

6 Mr. Marshall. Excuse me for interrupting. Go ahead.

7 Mr. Dellums. And it was clear to me at the meeting
8 that the Central Intelligence Agency was very, very interested
9 in discussing the question of recommendations, and that was
10 what most of our conversation was all about. There were
11 areas where we had some very fundamental disagreements with
12 respect to recommendations on how to correct the obvious
13 abuses that we had uncovered, some of which they agreed
14 that they had been involved in, some they had some differences
15 of opinion with us on. It was an interesting meeting.

16 Beyond that it had no particular significance in my life,
17 except that it was the first time and the only time that I
18 have ever traveled into that particular never-never land.

19 Mr. Marshall. Did you ever discuss with a member of
20 the Central Intelligence Agency the Agency's objections to
21 classified materials appearing in any draft of the Select
22 Committee report, that is you personally discussed it?

23 Mr. Dellums. No.

24 Mr. Marshall. How did you receive the objections that
25 the Central Intelligence Agency or any other Executive

1 Branch Department made?

2 Mr. Dellums. They were prepared for us and placed in
3 our respective work stations before the committee. When
4 we came to the committee we had a list of objections, and
5 we went through that list of objections. I recall, for
6 example, one specific meeting where one of my colleagues
7 on the other side of the aisle, the gentleman from Wisconsin,
8 Mr. Kasten, was given an extraordinary amount of time to go
9 line by line, virtually through every single objection for
10 an inordinate amount of time, in fact an unprecedented
11 amount of time. I have never been on a committee when one
12 person other than the chair exercising the prerogative of
13 the chair and I have never even seen a chairperson assume that
14 much time, but it was in the spirit of cooperation, and it
15 was in the spirit of providing an opportunity for any member
16 of the committee to register their concerns, make their case,
17 have the issue debated, and have the committee act upon it.

18 We went down that list from A to Z, and other members
19 who had objections were also given a substantial opportunity
20 to do the same. The meeting was conducted, or meetings were
21 conducted, in a very fair atmosphere. It was not an adversary
22 situation. Each member had an opportunity to be the advocate
23 of the Central Intelligence Agency or the advocate of the
24 State Department or whatever, as we went down the line with
25 these objections, and then the committee worked its will and

1 we ultimately ended up with a final document.

2 Mr. Marshall. But as I understand your testimony,
3 there was never an opportunity for a person from the
4 Executive Branch to meet directly with the Select Committee
5 and voice his objections.

6 Mr. Dellums. No, I am not saying that, because our
7 rules did -- we did establish a vehicle that allowed us to
8 take a position, if the Administration had objections to that,
9 they had a certain amount of time, in order to appear before the
10 committee in executive session, to argue their case, and once
11 the issue was heard, the committee then ultimately was able
12 to make its own decision, so we had a provision there, so
13 it wasn't an arbitrary situation. It was not.

14 In my estimation there was extraordinary amount of time
15 for the intelligence community to have access to the
16 committee, and to offer their objections to whatever action
17 we took. I think I have made the statement.

18 Mr. Marshall. Between the time, the January 19 draft
19 of the Select Committee was distributed to you, and the time
20 the Select Committee acted to adopt a final report on
21 January 23, 1976, did you attend any meeting at which repre-
22 sentatives of the Executive Branch were present to voice
23 their objections?

24 Mr. Dellums. Would you repeat the first part of your
25 question?

1 Mr. Marshall. Yes.

2 Between the draft of January 19, 1976 being distributed
3 to you, and to other members of the committee, and the time
4 the January 23, 1976 report was adopted by the Select
5 Committee, that being on January 23, 1976 did you ever
6 attend a meeting of the Select Committee, where members of
7 the Executive Branch were there, and in person voiced
8 their objections to certain classified information which they
9 contended was present in the committee report?

10 Mr. Dellums. So your question is very specifically
11 from the time we got the initial report to the time we finalized
12 the draft of the report, were members of the Administration
13 or specifically the intelligence community there to voice
14 their personal objections?

15 Mr. Marshall. Yes, sir.

16 Mr. Dellums. Or their objections in person?

17 Mr. Marshall. And to give you some explanation, you
18 indicated there was such a vehicle. I am just wondering if
19 that vehicle was in operation during that particular time
20 frame.

21 Mr. Dellums. I see. As I stated earlier, I know that
22 we had a list of objections where at some point the various
23 agencies of the Administration had an opportunity to review
24 the document and register their concerns with staff, which
25 resulted in a list of objections that ultimately came before

1 the committee. I do recall that very specifically.

2 I do not recall specifically whether or not during
3 those few days, whether the Administration was personally
4 before the committee to voice their objections. I
5 cannot give you a definitive answer on that. I just don't
6 recall.

7 Mr. Marshall. Mr. Dellums, Mr. Daniel Schorr has
8 stated in the article in the Rolling Stone of April 8,
9 1976 that he had possession of the Select Committee report
10 or a draft of that report on January 25, 1976.

11 Did you give this report of the Select Committee or
12 a draft of the Select Committee report or any portion of
13 the text or the draft to Mr. Schorr or to any other person?

14 Mr. Dellums. No, I did not.

15 Mr. Marshall. Do you know of anyone who did?

16 Mr. Dellums. No, I do not.

17 Mr. Marshall. Do you have any knowledge whatsoever of
18 the circumstances surrounding the publication of the Select
19 Committee report or any part thereof?

20 Mr. Dellums. I have no knowledge of that whatsoever.

21 Mr. Marshall. Do you know of anyone who has such
22 knowledge?

23 Mr. Dellums. No, I do not.

24 Mr. Marshall. Did you give the report of the Select
25 Committee or make any part of the report of the Select

1 Committee or make any part of the report of the Select
2 Committee or any draft of that report available to anyone
3 outside of the Select Committee on Intelligence? By that
4 I mean the members or the staff of the Select Committee on
5 Intelligence.

6 Mr. Dellums. No, I did not.

7 Mr. Marshall. Do you know of anyone who did?

8 Mr. Dellums. Yes, I do.

9 Mr. Marshall. Mr. Chairman, at this time I think the
10 committee ought to consider going into executive session.

11 Mr. Dellums. Mr. Chairman, prior to -- I was wondering,
12 Mr. Chairman, if you want to go into executive session, I
13 would like to make a very brief statement prior to going
14 into executive session.

15 Mr. Flynt. Certainly.

16 Mr. Dellums. You asked me in effect did I give the
17 report to Mr. Schorr, do I know any circumstances around
18 how the report got to Mr. Schorr, do I know anyone who gave
19 the report to Mr. Schorr, et cetera, and I have answered you
20 in the negative. No, I do not.

21 I would like to make a brief statement. When I went
22 on the committee, the initial committee, along with Michael
23 Harrington, there was a great deal of controversy around
24 who was going to chair the committee and whether there were
25 progressive members of the committee, who may be security

1 risks.

2 Ultimately the committee was reconstituted. Mr. Michael
3 Harrington was left off the committee. There was a great
4 deal of opposition to him. My frank opinion was that the
5 opposition had to do with his politics and his ideological
6 perspective more than anything else.

7 I also had the feeling that because I am also a
8 progressive member of this committee, that I also was a
9 person that they would have liked very much to leave off
10 the committee, but because they had no particular reason to
11 do it, other than a feeling, I was left on the committee.

12 Now I just want to make one point very clear. Being
13 black, being from Berkeley, being considered very progressive,
14 it was the height of stupidity for me to be involved in a
15 leaking of any information from this committee, because if
16 there was anyone visible, being 6.4 and a half, gray temples,
17 black from Berkeley and radical, it would have been
18 stupid for me to be involved in leaking this report. I
19 just want to make that point absolutely and firmly clear.

20 I probably was looked at more than any other person on
21 that committee as a potential security risk, and what I
22 wanted to do was to show those members, with their biases
23 and petty prejudices and discriminations that I was as
24 professional as any member of this committee, that I could
25 work damn hard as a member of the committee, that I could be

1 an example of a capable, competent human being, who might
2 have different ideological views and perspectives, but still
3 could operate within the parameters of professionalism and
4 decorum there should be the caliber and the quality of
5 work conducted by any member of Congress.

6 I also believed that from a strategic and tactical
7 point of view, that it did not behoove my personal interests
8 or political interests or my desire to represent my con-
9 stituents to be involved in leaking the report my point
10 being very simple. I went on the committee to work hard.
11 I felt that there was extraordinary truth to many of the
12 allegations. We ultimately documented that.

13 I felt the responsibility of Congress was not only
14 to investigate, come up with a report and recommendations,
15 but for the House of Representatives to move aggressively to
16 control the Federal agencies brought into existence
17 ostensibly in the initial instance to protect and defend
18 the precious civil rights and civil liberties of human
19 beings in this country, and I felt that to leak the report
20 would have been to allow those members of the House of
21 Representatives to do precisely what we have ultimately done,
22 and that is to move away from the investigation of the
23 serious allegations, to some frivolous investigation, like
24 who leaked the report to Daniel Schorr?

25 I was disillusioned and disappointed that I spent nine

1 months of my life working many hours late into the night.
2 The committee spent hundreds of thousands of dollars, and
3 over 300 members of Congress voted not to even print the
4 report that was the product of our work, and I would dare
5 say, short of putting my life on the line, I would be
6 willing to put anything else on the line that less than 10
7 percent of 435 members of Congress have even read the report.
8 I would not even submit the question to this committee,
9 because I don't want to put anybody on the spot, but I would
10 dare say that less than 43 members have probably even read
11 the report, which to me is a sad and tragic commentary on
12 our time in 1976 when we ought to be moving expeditiously to
13 correct the abuses and right the wrongs and to challenge the
14 evils that we documented in our report and the Senate documented
15 in theirs.

16 My answer to you, that is my way of explaining to you,
17 no, I did not leak the report to Daniel Schorr, because I
18 went on that committee to get the job done, not to play
19 frivolous games, and it certainly did not move -- it certainly
20 would not serve the interest that I went on that committee
21 to try to serve, which I think was legitimate, to have this
22 report prematurely leaked prior to the time that the Congress
23 of the United States faced that issue on behalf of the American
24 people honestly and cleanly, because it allowed us to begin
25 to deal with symptoms and not with the ultimate problem, and

1 the ultimate problem was is the Congress of the United
2 States, as a co-equal branch of government, going to be
3 involved in appropriate oversight and going to be involved
4 in correcting the abuses, and adhering and implementing
5 recommendations so that we end for all time the various
6 allegations that we documented in our report, and I think that
7 you gentleman are attempting to do your job.

8 The House of Representatives gave you resources and gave
9 you a mandate to do it.

10 I voted against it, because I think the issue here is a
11 very delicate and fragile question, and I certainly hope
12 that the constitutional test does not come on the issue of
13 whether or not the press has a right to do whatever they have
14 to do. It is a very delicate and explosive and powerful
15 question.

16 I hope that these hearings will come rapidly to a
17 conclusion. If you find out, find out. If you don't, say
18 that and let's get on with the much more important set of
19 issues, and that is to review that report and to get on
20 with the recommendations and implementing the recommendations
21 that I think 10 members of this House gave a great deal of
22 time, sweat and blood to put together, and I think that the
23 faster we move beyond the symptomatic issues, the side questions,
24 the faster I think this country will be a hell of a lot
25 healthier than it is now. That is my comment.

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1 Mr. Flynt. Mr. Spence?

2 Mr. Spence. Mr. Chairman, pursuant to House Rule
3 11(2)(k)(5), I move that we go into executive session at
4 this time.

5 Mr. Flynt. You have heard the motion offered by the
6 gentleman from South Carolina, Mr. Spence. This is a motion
7 which under the Rules of the House must be made in public
8 session, with a quorum of the committee present.

9 The Rules of the House also require that the vote be
10 taken by a roll call vote. The question is on the motion
11 of the gentleman from South Carolina.

12 The staff director will call the roll.

13 Mr. Swanner. Mr. Flynt?

14 Mr. Flynt. Aye.

15 Mr. Swanner. Mr. Spence?

16 Mr. Spence. Aye.

17 Mr. Swanner. Mr. Price?

18 Mr. Price. Aye.

19 Mr. Swanner. Mr. Quillen?

20 Mr. Quillen. Aye.

21 Mr. Swanner. Mr. Teague?

22 Mr. Hutchinson?

23 Mr. Hutchinson. Aye.

24 Mr. Swanner. Mr. Hebert?

25 Mr. Quie?

1 Mr. Foley?

2 Mr. Mitchell?

3 Mr. Mitchell. Aye.

4 Mr. Swanner. Mr. Bennett?

5 Mr. Bennett. Aye.

6 Mr. Swanner. Mr. Cochran?

7 Mr. Chairman, seven members answer aye, no members
8 answer nay. Five members absent and not voting.

9 Mr. Flynt. On this roll call vote in public session
10 with a quorum of the committee being present the ayes are
11 seven, the nays are none. The motion is agreed to. The
12 committee will resolve itself into executive session.

13 Mr. Bennett. Mr. Chairman, do you want to ask unanimous
14 consent here for his attorney and his assistant to be present?

15 I ask unanimous consent that his attorney and his
16 assistant be allowed to be present.

17 Mr. Flynt. Is there objection?

18 The Chair hears none.

19 Mr. Morgan, you will be permitted to remain, and Mr.
20 Brauer.

21 The room will be cleared and we will go back into public
22 session at the earliest possible time.

23 (Whereupon, at 11 a.m., the committee proceeded into
24 executive session.)

25

1 (Whereupon, at 12:29 p.m., the committee proceeded
2 into public session.)

3 Mr. Flynt. The Chair announces that the committee is
4 in public session, and will stand in recess until 1:30 p.m.
5 this afternoon at which time the committee will reconvene in
6 this room.

7 (Whereupon, at 12:30 p.m., the committee was recessed,
8 to reconvene at 1:30 p.m., this same day.)
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AFTERNOON SESSION

(1:35 p.m.)

Mr. Flynt. The committee will come to order.

The committee is in open session.

A quorum is present for the purpose of hearing testimony and receiving evidence. The witness at this time will be our colleague from Louisiana, the Honorable David C. Treen.

Mr. Treen, the committee welcomes you before it, and we would ask that you rise and be sworn.

TESTIMONY OF THE HONORABLE DAVID C. TREEN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
LOUISIANA

Mr. Flynt. You do solemnly swear that the testimony that you will give this committee in matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Treen. I do.

Mr. Flynt. You are Honorable David C. Treen, a Representative from the State of Louisiana?

Mr. Treen. Yes, sir.

Mr. Flynt. And were you a member of the House Select Committee on Intelligence?

Mr. Treen. I was.

Mr. Flynt. Were you a member of it from the time it was first created as well as from the time that it was reconstituted?

1 Mr. Treen. I was appointed on both occasions.

2 Mr. Flynt. Mr. Marshall?

3 Mr. Marshall. Mr. Treen, you are appearing here at the
4 invitation of this committee.

5 Mr. Treen. Yes.

6 Mr. Marshall. Prior to appearing, you have received
7 copies of House Resolutions 1042 and 1054 as well as copies
8 of the Rules of this committee, investigative procedures
9 adopted by this committee, and a copy of the chairman's
10 opening statement; is that correct?

11 Mr. Treen. Yes, I have, although I haven't read them.

12 Mr. Marshall. All right, sir.

13 Should you feel the need to read them or to review them
14 in your testimony, if you will call that to our attention, we
15 will be happy to give you the opportunity to do so.

16 Mr. Treen. Thank you. I have no reason to need to read
17 them.

18 Mr. Marshall. Do you have a written statement which you
19 wish to file with the committee?

20 Mr. Treen. No, I do not. I am here to answer questions.

21 Mr. Marshall. Do you have an oral statement that you
22 would like to make to the committee?

23 Mr. Treen. Well, no. I thought that I would simply
24 answer questions. There are some points I would like to
25 bring out as we go along, and if those are not covered in

1 the questioning, then, Mr. Chairman, I would like to say
2 something at the conclusion.

3 Mr. Flynt. You will certainly be accorded that
4 opportunity.

5 Mr. Marshall. Mr. Treen, have you turned over to this
6 committee's staff copies of any documents you may have
7 relating to the Select Committee on Intelligence's work or
8 of the subject matter of this inquiry?

9 Mr. Treen. I turned over, at the request of the
10 chairman, the draft of the report of the Intelligence Committee
11 that was sent to my office on January 19 of this year. I
12 turned over to the committee subsequent revision pages to
13 that draft. Those items were kept for a while, and then
14 returned to me, and I have them in my possession today.

15 Mr. Marshall. Are there any other documents relating
16 to the Select Committee's work which you have in your possession
17 or which should be brought to the attention of this committee?

18 Mr. Treen. I think that the investigators for this
19 committee, I know they were shown the items that I had, and
20 all of the items in which they expressed an interest I gave
21 them ample opportunity in my office to examine these
22 documents.

23 Mr. Marshall. In the event your evidence or testimony
24 may involve any information or data concerning the executive
25 session or any executive session of the Select Committee on

1 Intelligence or classified information, or information which
2 may tend to defame, incriminate or degrade any person, if
3 you would call that to the committee's attention so that
4 they can take time and appropriate action under the Rules of
5 the House of Representatives, please, sir.

6 Mr. Treen. I will. I got prepared for this about a
7 week ago, and if you will pardon me just a moment, there are
8 a couple of items I want to get before me.

9 Mr. Marshall. All right.

10 Mr. Treen. All right, sir, thank you.

11 Mr. Marshall. Mr. Treen, as a member of the House
12 Select Committee on Intelligence, did the report of any
13 leaks come to the Select Committee's attention during the
14 course of its deliberations prior to preparing a draft
15 of the final report? By leaks, I mean disclosure of classified
16 information to unauthorized persons.

17 Mr. Treen. Well, there were, of course, as the committee
18 well knows, a number of instances where items presumably were
19 published by the news media that had been discussed in committee.
20 It is a little difficult to describe those, because I don't
21 want to suggest that these reports were accurate, but there
22 were a number of instances where the news media claimed to
23 have access to information from our executive sessions.

24 Mr. Marshall. Was any action taken by the Select
25 Committee to determine the identity of these reported leaks

1 or to further investigate the claims of newsmen that they had
2 access to information in the Select Committee's possession?

3 Mr. Treen. There was no action taken by the committee
4 as a body that I can recall. Whether or not the chairman of
5 the committee took some individual steps or not, I am not
6 certain. I know that the committee declined on at least
7 two occasions to adopt motions to take action, two motions
8 offered by me, one rather early in the life of the committee,
9 following a disclosure by Mr. Daniel Schorr, and I offered a
10 motion to go into executive session and to call Mr. Schorr
11 to testify. My recollection is that it was defeated. My
12 recollection is that that motion was defeated on a voice vote.

13 Mr. Marshall. Do you recall the particular disclosure
14 by Mr. Schorr which prompted your motion?

15 Mr. Treen. I don't, and if I did, I would have to,
16 pursuant to your suggestion, suggest that we go into executive
17 session, but it is in the record, of course, the classified
18 part of our record, and I assume that that is available to the
19 committee.

20 Mr. Marshall. Was there any discussions or reasons
21 given by members of the Select Committee as to why they did
22 not deem it appropriate to investigate leaks or alleged
23 leaks as they were occurring?

24 Mr. Treen. Well, there was an expression of horror,
25 as I recall, from several sources at the very idea of

1 calling a newsman and asking him his source, was anathema,
2 was against established principles, et cetera. I responded
3 by saying we don't have to cross that bridge as to what we
4 do if he would decline to answer until afterwards. I said
5 who knows but he might not tell us something, but it went to
6 a vote pretty quickly and was disposed of, I feel certain on
7 a voice vote, and it was obvious that I was in a distinct
8 minority on the suggestion that we call Mr. Schorr, and that
9 was the end of it at that time.

10 There was a later specific motion which is in the open
11 record, I believe, which was defeated on an eight to four
12 vote that we appoint a subcommittee for the specific purpose.
13 That motion was made by me on January 20, and supported by
14 four members of the committee and opposed by eight members
15 of the committee on a record vote.

16 Mr. Marshall. Was there any internal investigation under-
17 taken by the Select Committee or the Select Committee staff
18 short of calling Mr. Schorr or short of calling anyone as a
19 witness, but simply an inquiry made of the staff or the
20 committee members as to the possible identity of sources?

21 Mr. Treen. Not by the committee as a body, Mr. Marshall.
22 Again the chairman of the committee may have made some
23 inquiries which would have been within his authority and
24 prerogative as chairman of the committee. I am informed by
25 one person that he did so make some inquiries at one time.

1 He may have made them extensively. I don't know.

2 Mr. Marshall. Were you advised of the success of those
3 inquiries insofar as being able to identify the source of
4 persons who may have been giving unauthorized information?

5 Mr. Treen. No, I was not advised either informally or
6 formally as a member of the committee, that I can recall.

7 Mr. Marshall. Could you give us your evaluation of the
8 overall security of classified documents or classified
9 information during the Select Committee's work?

10 Mr. Treen. Well, if I had to do it in one word, Mr.
11 Marshall, I'd say sloppy. This is based, I should say, on
12 some personal observation, but primarily based upon
13 information given to me by a member of the staff, which
14 rather astonished me.

15 With respect to the first category, I was disturbed
16 by the fact that when we had material which was classified,
17 there did not appear to be any control, that when Xeroxes
18 were made, as was necessary, of course, to have documents
19 before each member of the committee, there was no indication
20 that the number of copies had been recorded. It may have been,
21 I am not saying because I don't know, but there was no
22 indication that the number of copies had been recorded, no
23 indication that the disposition of the copies specifically,
24 you know, that Copy No. 1 was placed in the hands of Mr.
25 Treen, Copy No. 2 in the hands of Mr. Kasten and what-have-

1 you. I saw no indications of that.

2 Then in the other category I think you have had Mrs.
3 Hess as a witness before this committee, I am not certain,
4 Mrs. Jackie Hess.

5 Mr. Marshall. Yes, sir, she will be here before the
6 committee. She has not testified as yet.

7 Mr. Treen. She has what?

8 Mr. Marshall. She has not testified as yet, but she
9 will be called.

10 Mr. Treen. On February 18 of this year she while in
11 my office revealed to me what she alleged to be facts
12 about security, which astonished me and disturbed me a great
13 deal. I think you pprobably have gotten some of this from
14 other members. I have read the press reports of some of the
15 testimony here, but I made a memorandum of the conversation
16 that we had following her visit in my office, and which I have
17 before me.

18 I would be willing for the committee to have this.
19 It would be understood that this was my recollection of a
20 conversation that took place some time before it was dictated
21 the same day, but that the choice of words, except where in
22 quotations, are my own, and may not be completely accurate,
23 but the sum and substance of it was that the security was
24 very loose, that she made many requests, whether or not the
25 requests were legitimate or not I don't know but that she

1 made many requests with respect to security procedures which
2 were overridden, that she had written several memorandums,
3 copies of which she said she would be glad to show me, which
4 she said were ignored. Again whether or not they were
5 appropriate requests, I don't know. SHe said that the man
6 working for her, who was a document control clerk, did a
7 terrible job, and that once when she suggested he be replaced,
8 that she was rebuffed by the director of the staff, Mr.
9 Field.

10 She said that she went through the document control
11 book and circled many items which were checked out which were
12 not shown as being returned, although -- this is not in the
13 memorandum but my recollection is that she said that some of
14 those were returned at a later time.

15 She said that there was no regard for security, that
16 in the preparing of the final draft, Emily, whom I believe
17 to be Emily -- I think there is only one Emily on the staff.

18 Mr. Marshall. Sheketoff.

19 Mr. Treen. I would assume that that was the Emily
20 she was referring to, was virtually in charge and that
21 keeping track of the records turned out to be a hopeless
22 job. She said they have no record as to how many copies of
23 the draft report was made. This was on February 18, my
24 conversation with Miss Hess. The draft report was January
25 19. She said there was no record as to how many copies of

1 the draft report was made, how many copies were delivered to
2 the members' offices, et cetera. She said that joking
3 remarks were made about her as a security officer from time
4 to time, that documents were taken home by members of the
5 staff.

6 I asked her "Can you be sure that no copies of those
7 documents were made when the staff took them home," and her
8 answer, of course, was obvious. There was no way that she
9 could assure that copies were not made. She did not
10 accuse any members of making any, of course, and she said
11 that security was breached by members of the staff and
12 members on the committee.

13 There are a couple of other references that are somewhat
14 personal, which are in the memorandum, but consistent with
15 your admonition, I don't think I would reveal those in
16 open session.

17 Mr. Marshall. Would you be willing to allow this committee
18 to obtain a copy of the memorandum?

19 Mr. Treen. Yes.

20 Mr. Marshall. As I understand your testimony concerning
21 the memorandum, the memorandum simply summarizes and reports
22 on a conversation you had with Mrs. Hess. It does not set
23 forth things that you personally saw; is that correct?

24 Mr. Treen. That is correct, and it was about a 30-minute
25 conversation, so there was a lot more said than is in that

1 one-page memorandum.

2 Mr. Marshall. Other than what you have already testified
3 to, which I believe you identified as coming primarily from
4 Mrs. Hess in other conversations with staff persons, did
5 you personally observe or witness a breach of the security
6 rules and regulations which the Select Committee adopted
7 shortly after it was reconstituted?

8 Mr. Treen. No. My recollection is that in the areas
9 in which I make complaint, that is control of documents,
10 really our regulations were not very specific. There were
11 regulations, as the committee is well aware, with regard
12 to looking at the documents in the committee room, and so
13 forth, but I don't believe th t we had any regulations with
14 respect to the numbering of documents, manner of filing,
15 control of numbers, seeing that the documents were returned,
16 any sort of indexing documents.

17 I don't think we had any such regulations, Mr. Marshall,
18 so those are the areas of which I would make complaint,
19 and so I can't say they were violating the regulations
20 because I don't know we had them. I think they did set
21 up some procedures, we have probably already gotten into
22 that, within the committee as a result of suggestions made
23 by some of the intelligence agencies as to how they should
24 handle their materials, and whether there was internal staff
25 regulation or not, I don't know, but our committee regulations

1 were pretty sketchy, and general.

2 Mr. Marshall. Have you had a discussion with any news-
3 man concerning the source of leaks, either fro the Select
4 Committee or any other source of leaks dealing with the
5 Select Committee's works? I am specifically referring to
6 a conversation with a Mar. Jim Adams.

7 Do you recall that conversation?

8 Mr. Treen. Yes, I recall a conversation. Well, I
9 had many conversations with Jim Adams. Some of them were
10 just discussing things that went on in open session. Mr.
11 Adams, I guess like a good newsman, would attempt to get
12 information from me. I did not ever offer him any or give
13 him any. He did tell me one time, I feel certain it was
14 in the Speaker's lobby, Mr. Adams told me that his source of
15 some information that he had published, I believe that he
16 had published or that had been published at least, was a member
17 of the committee.

18 Mr. Marshall. Of the Select Committee on Intelligence?

19 Mr. Treen. Yes. He did not identify the person.

20 Mr. Marshall. Do you recall when that conversation took
21 place?

22 Mr. Treen. I should have recorded it. I didn't. My
23 feeling is that it probably occurred, and my feeling is so
24 vague that I don't think it is too worthy, but I think that
25 it was in the time when we were, as a committee, considering

1 the release of information on several subjects. I think that
2 would identify for the committee. I could probably be a
3 little bit more explicit in a closed session, but I think the
4 committee is aware, and I don't think there is any secret
5 about the fact, that there was an attempt to release infor-
6 mation on several subjects prior to our final report, and
7 while we were debating that issue, and while drafts were
8 being drawn for the purposes of moving that certain information
9 be released, pursuant to the procedure we had established with
10 the President incidentally, there were some leaks of
11 information involved in those motions. I think it was at that
12 time, so you would be able to identify from the record as
13 to when that part of our work was taking place.

14 I didn't pursue him. I don't remember whether I asked
15 him would he care to say who it was. I don't think I even
16 asked him and I don't think he would have told me.

17 Mr. Marshall. Would the dates of December 18, 19, and
18 20, 1975 refresh your recollection as to the specific time?

19 Mr. Treen. Mr. Marshall, let me make a point before
20 we go to that question. I can't be certain, particularly
21 since I didn't make a memorandum of it, as to whether when
22 Mr. Adams said a member of the committee, he meant a
23 congressman on the committee or committee staff. It was
24 my interpretation of what he said that he meant a member of
25 the committee, but he could have well intended something

1 else. Sometimes when people say a member of the committee,
2 they are thinking about staff, so I don't know, but he did
3 say a member of the committee.

4 Mr. Marshall. All right, sir.

5 Would the dates December 18, 19, and 20, 1975 refresh
6 your recollection or be consistent with your recollection,
7 if I advise you those were the dates of the matter you
8 referred to about releasing information?

9 Mr. Treen. Yes, and that does refresh me, because it
10 was right before our Christmas recess that we were considering
11 taking this action, sending to the President, indeed I think
12 a couple of the motions passed, I think one was defeated
13 about releasing information, and the procedure to send it,
14 or to ask the intelligence agencies for comment before we
15 released. That procedure had been put into effect I believe
16 before our recess, and I think it was around that time, Mr.
17 Marshall.

18 Mr. Marshall. Do you recall receiving the initial draft
19 of the Select Committee's report on or about January 19, 1976?

20 Mr. Treen. Yes, I do.

21 Mr. Marshall. How was that draft delivered to you?

22 Mr. Treen. I found it on my desk when I went into my
23 office sometime during the afternoon on the 19th.

24 Mr. Marshall. When you found it on your desk, was it
25 simply in two black volumes or were the volumes sealed or

1 how was it packaged?

2 Mr. Treen. It was not sealed. It was two black volumes
3 with a covering letter attached with a paper clip, a
4 letter from Searle Field, the Staff Director, and I think
5 you have a copy of that letter.

6 Mr. Marshall. Yes, sir.

7 Did you make any inquiry to determine how the volumes
8 arrived on your desk, who received them, the circumstances
9 of delivery?

10 Mr. Treen. Yes. My recollection is that I did. Again
11 I didn't record this, not really knowing that it would be
12 of importance, and being pressed like all of us are, and
13 I don't remember now. I went back later to try to determine
14 which of the people in my office actually had received it,
15 but apparently it was brought, I was informed, but I was not
16 there, so whoever brought it just left it with the individual
17 on my staff, and I think my staff then brought it in and
18 put it on my desk. Possibly a person on my staff opened the
19 door to my office and let the individual come in and put it
20 on the desk. I don't believe that it came in an outer
21 envelope, which would have been removed by any member of my
22 staff.

23 My recollection is that it did not come that way to a
24 member of my staff, but a member of my staff handled it,
25 either in taking it and putting it on my desk, or in letting

1 the person come into my office and put it on the desk.
2 How long it had been there before I arrived, I don't know.

3 Mr. Marshall. After that, did you receive changes in
4 the January 19 draft?

5 Mr. Treen. Yes.

6 Mr. Marshall. And how were they delivered?

7 Mr. Treen. As I recall, I think on that same afternoon
8 someone on the staff came by and said "We got a page,"
9 I think it was a page, maybe it was one, two, or three, but
10 I think it was "a page that we want to change," and I said
11 "Go ahead, there it is, and make the change." I didn't
12 closely observe what was being done, but the individual
13 put a page in and apparently took a page out.

14 The other pages were delivered, as I recall, in the
15 committee room. I have the pages with the envelopes. I
16 kept track of when the page, except for the first day. I
17 hadn't even looked at the report and the staff member wanted
18 to make a change that first day, but subsequent to that
19 I kept the pages. I removed them myself. I didn't permit
20 the staff to take my two black folders and make their changes.
21 I wanted to take pages out and put them in, and except for
22 that first day I did all of the changing in my folders, and
23 I have the pages identified as I removed them.

24 Mr. Marshall. Did you receive anothe draft dated
25 January 23, 1976, or was your draft of January 19 changed

1 concurrently, so that it became a draft of January 23, 1976?

2 Mr. Treen. Let me try to refresh myself.

3 Mr. Marshall. I may be able to simplify the inquiry
4 somewhat. What I am trying to determine, Mr. Treen, is
5 whether there was another complete two volume document sent
6 to you with the date of January 23, 1976, or whether simply
7 changes were made in the January 19 draft, which then brought
8 your draft up current.

9 Mr. Treen. I don't recall having another complete draft
10 ever given to me, certainly no new binder, such as the
11 original binders.

12 Mr. Marshall. Mr. Treen, Mr. Daniel Schorr has stated
13 in an article in the Rolling Stone dated April 8, 1976
14 that he had possession of the Select Committee report on
15 January 25, 1976.

16 Did you give this report or a draft of any part of
17 the report or the text from either the report or a draft to
18 Mr. Schorr or any other person?

19 Mr. Treen. No, I did not.

20 Mr. Marshall. Do you know of anyone who did?

21 Mr. Treen. No, I do not.

22 Mr. Marshall. Do you have any knowledge whatsoever of
23 the circumstances surrounding the publication of the
24 Select Committee's report or a draft of the report or a
25 portion of the text of the draft of the report?

1 Mr. Treen. No, I have no knowledge other than what I
2 read in the newspaper myself.

3 Mr. Marshall. Do you know of anyone who has such knowledge

4 Mr. Treen. No.

5 Mr. Marshall. Did you give the Select Committee's
6 report or any part of the report or part of the draft and
7 make it available to anyone outside of the Select Committee
8 on Intelligence, that is either committee member or staff
9 member?

10 Mr. Treen. No, and the report remained in my possession
11 at all times except towards the end of the committee I
12 delivered it in the envelopes you see here to the staff, got
13 a receipt for it, and then since the items were returned
14 to me subsequently they have been in my possession at all
15 times.

16 Mr. Marshall. Who signed that receipt, sir?

17 Mr. Treen. Jacqueline Hess, on January 30, 1976.

18 Mr. Marshall. Do you know of anyone who made the report
19 or any portion of the report or draft of the report available
20 to anyone outside the Select Committee on Intelligence?

21 Mr. Treen. No.

22 Mr. Marshall. No further questions.

23 Mr. Flynt. Mr. Spence?

24 Mr. Spence. I don't have any questions except to thank
25 Mr. Treen for coming before the committee and helping us in

1 our investigation.

2 Mr. Flynt. Mr. Quillen?

3 Mr. Quillen. Mr. Chairman, I have no comments except to
4 say that I am sorry I missed your testimony. I am glad I got
5 here before you concluded.

6 Mr. Treen. Thank you, Mr. Quillen. I don't think I
7 revealed anything.

8 Mr. Flynt. Mr. Hutchinson?

9 Mr. Hutchinson. No questions.

10 Mr. Flynt. Mr. Bennett?

11 Mr. Bennett. No questions.

12 Mr. Flynt. Mr. Treen, the committee thanks you for your
13 appearance, for your continuing cooperation with the committee
14 and its staff and for the contributions which you have made
15 to the committee.

16 Mr. Treen. Mr. Chairman, thank you.

17 There is one thing I would like to add with respect
18 to the conversation with Miss Hess. I solicited information
19 from her, and she, on a previous occasion, I had gotten
20 hints through just casual conversation with her that she
21 was disgusted, and so when she came to my office on the
22 18th of February, and I have forgotten the reason for her
23 coming, I then took that opportunity to question her in
24 depth. I wanted to say that she didn't ask to see me to
25 pour this forth. I elicited this from her, although when I

1 asked her she responded openly and freely, as I think a good
2 staff member should have, to a member of the committee.

3 Let me see, Mr. Chairman, if there is anything, since
4 I didn't have a statement, that I would want to add. I
5 have something to add and something to correct.

6 I indicated that on 20 January 1976 I made a motion for
7 the Select Committee to investigate itself. That was on
8 28 January 1976 and appears on page 2132 of the record on that
9 date. My previous motion as I recall would have been earlier
10 on in the fall of the previous year.

11 On 18 February 1976 I made one final attempt to get
12 an investigation by the committee. If the committee is
13 interested, I would be pleased to furnish a copy of my letter
14 of February 18, 1976 addressed to Chairman Pike together with
15 a copy of the resolution, which I wanted to offer.

16 The purpose of the letter was to ask for a meeting of
17 the committee. We had not gone out of existence, although
18 our report was supposed to be filed prior to that time. We
19 were still in existence legally until April 30, and I wanted
20 to offer a motion that the committee conduct an investigation
21 and inquiry into the circumstances surrounding and pertaining
22 to, one, the obtaining by unauthorized persons of portions
23 or entire copies of the draft report or reports and/or the
24 final report of the committee and, two, other alleged
25 unauthorized disclosures of documents, materials and information

1 in the possession of or produced by the committee. It is
2 the intent of the resolution that the investigation be conducted
3 by the committee as a whole, and that it cover all possible
4 means by which the events described above may have occurred.

5 If the committee is interested, I will be pleased --
6 there is nothing secret about the letter in any way --

7 Mr. Flynt. If you will make it available to the
8 committee, it will be received.

9 Mr. Treen. I have copies here now. I did not get a
10 written response to that request. I am not suggesting that
11 I should have, although I hoped we had, but I got a verbal
12 response from the chairman that he would not call a committee
13 meeting, and under our rules the only way to get a meeting
14 of the committee, other than to have the chairman call it,
15 was to have a majority call a meeting, and we didn't have
16 a majority for that purpose.

17 I subscribe generally to the views expressed by others
18 here that we had an arrangement with the President which
19 was clear, unequivocal, and that agreement had to apply to
20 our final report as well as any information in between. Any
21 other construction of that agreement would be totally
22 ridiculous. To suggest that material would be furnished to
23 us that could not be disclosed up until January 31, but that
24 it could be disclosed after that, is manifestly ridiculous,
25 and apparently the House agreed with that.

1 I have in the recommendations of the House Select
2 Committee, which of course is an open document, set forth my
3 views for any of those who are interested in what we might
4 do in the future with respect to security.

5 Mr. Flynt. Any further questions?

6 Mr. Treen, the committee does not anticipate that it
7 will recall you, but if it does --

8 Mr. Treen. I will be around, Mr. Chairman, I hope.

9 Mr. Flynt. We will give you plenty of notice, and we
10 will arrive at a time mutually convenient.

11 Mr. Treen. Thank you, Mr. Chairman.

12 Mr. Flynt. With the thanks of the committee, you may step
13 down.

14 Mr. Roger Carroll.

15 Mr. Carroll, will you raise your right hand?

XXXXXXXXX 16 TESTIMONY OF ROGER CARROLL, GOVERNMENT ACCOUNTING
OFFICE

17 Mr. Flynt. You do solemnly swear that the testimony
18 you will give before this committee in the matters now under
19 investigation will be the truth, the whole truth, and
20 nothing but the truth, so help you God?

21 Mr. Carroll. I do.

22 Mr. Flynt. You may be seated.

23 Mr. Marshall. Will you state your name for the record,
24 please, sir?

25 Mr. Carroll. My name is Roger Carroll. I live in
Approved For Release 2005/11/28 : CIA-RDP91-00966R000700100001-1

1 Arlington, Virginia.

2 Mr. Marshall. Mr. Carroll, where are you presently
3 employed?

4 Mr. Carroll. GAO.

5 Mr. Marshall. And how long have you been employed
6 there?

7 Mr. Carroll. Since June 1964.

8 Mr. Marshall. Did you serve on the staff of the
9 Select Committee on Intelligence?

10 Mr. Carroll. Yes, sir.

11 Mr. Marshall. When did you come to the staff of the
12 House Select Committee on Intelligence?

13 Mr. Carroll. I believe it was July 29, 1975, and I went
14 back to GAO on March 22, 1976, I believe.

15 Mr. Marshall. Were you detailed from GAO to the
16 Select Committee?

17 Mr. Carroll. Yes, sir.

18 Mr. Marshall. What was the purpose of that detail?

19 Mr. Carroll. I was to identify intelligence costs in
20 the budget, also price out the cost of certain covert operations,
21 and to verify the percentage of markup on certain quipment.

22 Mr. Marshall. To whom did you report on the Select
23 Committee or the staff?

24 Mr. Carroll. Mr. Boos, Mr. Field, Mr. Donner.

25 Mr. Marshall. Did ou at any time while you were on the

1 Select Committee staff have any additional duties besides
2 those that you have referred to?

3 Mr. Carroll. I am not quite clear. Could you give me
4 for an example?

5 Mr. Marshall. Well, for example, were you involved
6 in the distribution of the January 19, 1976 draft of the
7 Select Committee and its report?

8 Mr. Carroll. Yes, sir.

9 Mr. Marshall. Did you have any duties in connection
10 with preparing that report other than the analyses that you
11 have already testified to?

12 Mr. Carroll. Not directly. Numbers that I prepared
13 found their way into the report as it was written, but I
14 can't identify three pages and say I wrote those pages.

15 Mr. Marshall. Do you have a security clearance?

16 Mr. Carroll. Yes, sir, top secret, and also an atomic
17 energy clearance, so called Q clearance.

18 Mr. Marshall. Would you tell us your duties with
19 regard to distribution of the January 19, 1976 draft of the
20 Select Committee's report?

21 Mr. Carroll. As I recall, one of the female members
22 of the staff asked that I help in the delivery process, and
23 that I deliver four copies to four members, and that in the
24 event members were not there, to give them to their administra-
25 tive aide or legislative aide, whichever the case might be.

1 Mr. Marshall. Who were the four members that you were
2 instructed to deliver copies to?

3 Mr. Carroll. I was unable to answer that question for
4 Mr. Kelly. Since that time I have thought about it, and
5 under oath I am very reluctant to say who those members were.
6 I don't really know. I do know definitely that two were
7 located in Cannon Office Building and two were located in
8 the Longworth Office Building.

9 Mr. Marshall. Were you required to obtain any signatures
10 for the drafts that you delivered?

11 Mr. Carroll. No.

12 Mr. Marshall. Were the drafts numbered in any way?

13 Mr. Carroll. No, I wouldn't know that, because I didn't
14 look at the drafts.

15 Mr. Marshall. Were you given any other instructions
16 concerning delivery other than what you have testified to?

17 MV. Carroll. I may have been, but if I was, I don't
18 recall them. I do recall that when I got to the first
19 congressman's office, there was a telephone message there
20 for me to call back. I called back, and whoever answered
21 the phone, and again it was I think a female member of the
22 staff, said "Proceed with the delivery and disregard that
23 first telephone message," so I proceeded with the delivery.
24 Subsequently I found out I think that the call concerned
25 someone back at the staff wanting to make a change in the

1 report, and they knew which offices I was going to, and they
2 had called ahead.

3 Mr. Marshall. Did you allow anyone to make any copies
4 of that draft?

5 Mr. Carroll. No, sir.

6 Mr. Marshall. While it was in your possession?

7 Mr. Carroll. No, sir.

8 Mr. Marshall. Were you involved in any delivery of
9 changes in the draft?

10 Mr. Carroll. Not that I recall.

11 Mr. Marshall. Mr. Daniel Schorr has stated in an
12 article in the Rolling Stone dated April 8, 1976 that he had
13 possession of the Select Committee report on January 25, 1976.

14 Did you give this report or a draft of the report or
15 any portion of the text of the report or a draft to Mr.
16 Schorr or to any other person?

17 Mr. Carroll. No, I did not.

18 Mr. Marshall. Do you know of anyone who did?

19 Mr. Carroll. No, I do not.

20 Mr. Marshall. Do you have any knowledge whatsoever of
21 the circumstances surrounding the publication of the Select
22 Committee's report or any portion of the report or any
23 part of the draft or text of the draft?

24 Mr. Carroll. No, I do not.

25 Mr. Marshall. Do you know of anyone who has such

1 knowledge?

2 Mr. Carroll. No, I do not.

3 Mr. Marshall. Did you give the Select Committee's
4 report or make any part of the report or the text of the draft
5 of the report available to anyone outside of the Select
6 Committee on Intelligence?

7 Mr. Carroll. No, I did not.

8 Mr. Marshall. Do you know of anyone who did?

9 Mr. Carroll. No, sir.

10 Mr. Marshall. No further questions.

11 Mr. Flynt. Mr. Bennett?

12 Mr. Bennett. No questions.

13 Mr. Flynt. Mr. Spence?

14 Mr. Spence. Mr. Carroll, you said you have secret and
15 top secret clearance I think for a number of years, and you
16 worked with the committee staff and the committee through
17 this investigation.

18 Do you think there was anything in the report which
19 would be of a classified nature?

20 Mr. Carroll. That would call for a judgment answer on
21 my behalf, and I am not one of the President's authorized
22 men to classify information obviously, and I think it
23 relates to Mr. Rogovin's testimony yesterday on the timing,
24 that something, some bit of intelligence early, would give
25 our adversaries some sense of what our intelligence gathering

1 capability is if we got it real quick. I don't know how to
2 answer your question other than that.

3 Mr. Spence. I think that is good enough.

4 Mr. Flynt. Mr. Hutchinson?

5 Mr. Hutchinson. No questions.

6 Mr. Bennett. I might ask him something.

7 Mr. Flynt. Mr. Bennett.

8 Mr. Bennett. Since you do have this high clearance,
9 you were in a position to have told those who didn't know
10 in the committee and its staff that subtracting material from
11 classified documents, particularly secret and top secret
12 documents, and putting the substance of that in a report,
13 would require that report to be classified. You knew that
14 law, didn't you?

15 Mr. Carroll. The best way I can respond to you, Mr.
16 Bennett, and I am not trying to avoid the question, it is
17 a matter of judgment. If you were looking at the liquor
18 bill for the CIA, to take for example, at a particular
19 location, and it was marked top secret, and it was clearly
20 excessive, it would kind of indicate to me that it was
21 labeled top secret in an effort to suppress the information,
22 to limit its circulation, rather than to classify a national
23 secret.

24 Mr. Bennett. That could have given you a reason to
25 think something so obviously not properly classified should

1 not have been given an improper classification, but it would
2 not give you the right legally to classify it, would it?

3 Mr. Carroll. I didn't declassify anything, and the
4 best way I can respond to your question is that.

5 Mr. Bennett. The real reason I was asking the question
6 is so far you are the only person who has come before us that
7 I remember who has had as high a classification secrecy
8 knowledge as you, and I am just curious why you didn't tell
9 somebody on the staff, like the director of the staff or
10 point out to the members of the committee that they were
11 violating, that they would be violating the law, if in
12 fact they took information from secret and top secret
13 documents and published it in a congressional report that
14 was not classified. I just wonder why you didn't tell them.

15 Mr. Carroll. If I could rearrange the picture somewhat,
16 my job was more to do what I was told rather than trying to
17 tell someone else what they should be doing.

18 Mr. Bennett. Are you telling me you felt the burden of
19 the bureaucracy in the committee was such together with the
20 fact that it was composed of senior and able members of
21 Congress that you felt that it was not beholden for a
22 person in the particular location that you had on the staff
23 to be bringing that to their attention?

24 Mr. Carroll. No, sir. Clearly if something would have
25 appeared wrong in my mind, I would have spoken out.

1 Mr. Bennett. I understand that, and I believe you
2 to be saying the truth when you say that. However, and I
3 don't know the specific contents, it has been testified that
4 some of the material in the final report, which was published
5 in the Village Voice, is secret and top secret, not just
6 because it came from secret and top secret documents, which
7 in itself should make it secret and top secret, but it is
8 in fact top secret today, except the fact that now it has
9 been exposed, it is probably no longer useful to classify it,
10 but it was not such material, therefore, that stimulated you
11 to think that it might be classified.

12 Is that it?

13 Mr. Carroll. No. My only response to that, sir, is
14 that nine I believe reasonable men, and there were no women
15 members, voted, and they agreed that that should be their
16 product.

17 Mr. Bennett. Then I think really the answer would
18 be yes probably to the question I asked before, that you
19 felt a person in your capacity shouldn't be advising such
20 senior members of Congress upon secrecy rules, which apparently
21 they didn't know. Apparently they didn't know that they didn't
22 have a right to take material from secret and top secret
23 documents and publish it in a report, and declassify it
24 themselves. They didn't have the authority to do it. There
25 is no statute that allows that.

1 Mr. Carroll. I am not an attorney and I don't know what
2 the statutes allow.

3 Mr. Bennett. I think you have clarified your position.
4 Thank you.

5 Mr. Flynt. Are there further questions?

6 If not, Mr. Carroll, you may step down with the thanks
7 of the committee. We do not anticipate that we will recall
8 you, but if we do, we will try to be a little bit more
9 prompt in reaching you on the witness schedule than we did
10 today.

11 Mr. Carroll. Thank you very much, Mr. Chairman.

12 Mr. Flynt. Thank you, Mr. Carroll, for your presence
13 and for your cooperation with the committee staff and
14 with the committee.

15 Mr. Carroll. Thank you, sir.

16 Mr. Flynt. Ms. Susan Parker.

17 Ms. Parker, would you remain standing and be sworn, please.

XXXXXX

18 TESTIMONY OF MS. SUSAN PARKER, 401 EAST 89TH STREET,
19 NEW YORK; ACCOMPANIED BY: STUART LAW, COUNSEL

20 Mr. Flynt. You do solemnly swear that the testimony
21 that you will give before this committee in the matters now
22 under consideration will be the truth, the whole truth and
23 nothing but the truth so help you God?

24 Ms. Parker. I do.

25 Mr. Flynt. You may be seated.

You are Ms. Susan Parker?

1 Ms. Parker. Yes.

2 Mr. Law. Mr. Chairman, I am appearing as counsel.

3 Mr. Flynt. We welcome both of you before the committee,
4 one in the capacity of witness and one in the capacity of
5 counsel.

6 Mr. Marshall?

7 Mr. Marshall. Ms. Parker, would you state your full
8 name for the record, please?

9 Ms. Parker. Susan Parker Brant.

10 Mr. Marshall. Where do you live?

11 Ms. Parker. 401 East 89th Street, New York.

12 Mr. Marshall. Do you prefer to be called Ms. Parker or
13 Ms. Brant?

14 Ms. Parker. Yes, Parker.

15 Mr. Marshall. Is that where you presently live?

16 Ms. Parker. Yes.

17 Mr. Marshall. And you are appearing before this committee
18 under subpoena?

19 Ms. Parker. Yes, I am.

20 Mr. Marshall. Prior to the hearing, you have received
21 a copy of House Resolutions 1042 and 1054, have you not?

22 Ms. Parker. Yes, I have.

23 Mr. Marshall. As well as a copy of the Rules of this
24 committee?

25 Ms. Parker. That is right.

1 Mr. Marshall. And the investigative procedures
2 adopted by this committee and a copy of Mr. Flynt's opening
3 statement; is that right?

4 Ms. Parker. Yes.

5 Mr. Marshall. Should you have need to consult with those,
6 if you will advise us or have your counsel advise us, we will
7 give you ample opportunity to do so.

8 Ms. Parker. Thank you.

9 Mr. Marshall. Do you have a written statement which you
10 wish to make to the committee at this present time?

11 Ms. Parker. No, I do not.

12 Mr. Marshall. Is there an oral statement you would
13 like to make to the committee at this time?

14 Ms. Parker. No, sir.

15 Mr. Marshall. Ms. Parker, in the event that your
16 evidence or testimony may involve information which is
17 classified, if you know it to be classified, or evidence
18 which may tend to defame, degrade, or incriminate any
19 person, would you please advise this committee in an appro-
20 priate and timely fashion so that the committee can take
21 action under the Rules of the House of Representatives? I
22 might add that those Rules provide that in the event
23 classified information or information which would tend to
24 defame, degrade, or incriminate any person may be elicited
25 from the witness, the committee must then determine whether

1 it wishes to go into executive session, rather than have
2 that information revealed at a public session.

3 Is that understood, counsel?

4 Mr. Law. Yes.

5 Mr. Marshall. Would you indicate for the record?

6 Mr. Law. Yes.

7 Mr. Marshall. If you will just let us know, then we
8 will take appropriate action.

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1 Ms. Parker, where are you presently employed?

2 Ms. Parker. New York Magazine.

3 Mr. Marshall. And who is your immediate superior?

4 Ms. Parker. Mr. Clay Felker.

5 Mr. Marshall. Would you identify Mr. Felker's position.

6 Ms. Parker. He is the editor of the magazine, New York
7 Magazine.

8 Mr. Marshall. How long have you been employed in that
9 capacity?

10 Ms. Parker. As his assistant for approximately 12, 13
11 months.

12 Mr. Marshall. Would you give us just, very briefly, your
13 duties as his assistant?

14 Ms. Parker. It is difficult to do. I pretty much follow
15 up on anything that he asks me to do. I follow up on expense
16 accounts. I follow up on assignments made to writers. I deal
17 with our lawyers, both libel and corporate. I have to deal
18 with office accounts.

19 Mr. Marshall. Now, is counsel appearing for you as your
20 personal counsel, or counsel for Mr. Felker or the New York
21 Magazine or some legal entity in connection with the publication,
22 if I may address that to counsel or to you?

23 Mr. Law. Yes.

24 I am appearing, Mr. Marshall, as her personal counsel.

25 Mr. Marshall. All right, sir.

1 Ms. Parker, were you employed in the capacity that you
2 have outlined with Mr. Felker in New York Magazine on or about
3 February 6, 1976?

4 Ms. Parker. Yes, I was.

5 Mr. Marshall. On that date were you instructed by
6 Mr. Felker to come from New York to Washington, D. C.?

7 Ms. Parker. I was not instructed by Mr. Felker. I was
8 instructed by the managing editor of the Village Voice, Judith
9 Daniel.

10 Mr. Marshall. And is the date correct, February 6?

11 Ms. Parker. The date is correct.

12 Mr. Marshall. Would you tell us, please, what your
13 instructions were?

14 Ms. Parker. I was called at home that morning and asked
15 if I was available to fly to Washington. I said yes. And I
16 was told that I was to pick up a report in Washington and to
17 fly back to New York.

18 Mr. Marshall. Was the report identified for you in any
19 way?

20 Ms. Parker. Yes, it was.

21 Mr. Marshall. Would you tell us what identification was
22 made.

23 Ms. Parker. I was told I was to pick up the House report
24 on the CIA activities.

25 Mr. Marshall. Were any other instructions given to you?

1 Ms. Parker. I was given an address and I was told a
2 phrase to use when I picked up the report.

3 Mr. Marshall. What was the phrase you were to use?

4 Ms. Parker. I've come for the package for New York.

5 Mr. Marshall. Were you instructed to contact a particular
6 person at that address?

7 Ms. Parker. No, I was not.

8 Mr. Marshall. What was the address you were given?

9 Ms. Parker. When I was first contacted by the investigator
10 I did not remember the address.

11 Mr. Marshall. When you say investigator, you mean an
12 investigator from this committee staff?

13 Ms. Parker. Yes; Mr. McDaniel.

14 This morning, at the suggestion of the committee, I came
15 down early to Washington, and I was able to locate the house
16 that I went to. I was familiar with generally -- I knew the
17 area generally and was able to locate the house.

18 Mr. Marshall. And do you know the address of the house
19 that you visited on February 6, 1976, to pick up the report
20 that you described?

21 Ms. Parker. Yes. It was 3113 Woodley.

22 Mr. Marshal. I am sorry I still can't --

23 Ms. Parker. 3113 Woodley.

24 Mr. Marshall. In Washington?

25 Ms. Parker. In Washington.

1 Mr. Marshall. Northwest Washington?

2 Ms. Parker. Yes.

3 Mr. Marshall. Do you know who lives at that place?

4 Ms. Parker. No, I do not.

5 Mr. Marshall. Did you, in fact, come to Washington on
6 February 6, 1976, and go to that address?

7 Ms. Parker. Yes, I did.

8 Mr. Marshall. Did you take a cab?

9 Ms. Parker. Yes.

10 Mr. Marshall. Was anyone with you?

11 Ms. Parker. No; I was alone.

12 Mr. Marshall. Now, when you arrived at the address, would
13 you tell us what happened please, ma'am?

14 Ms. Parker. I went to the door. A maid answered. I
15 told her I had come for a package for New York. She handed it
16 to me and I left.

17 Mr. Marshall. Do you know the name of the maid?

18 Ms. Parker. No, I don't.

19 Mr. Marshall. How was the report packaged when it was
20 given to you by the maid?

21 Ms. Parker. It was in a manila envelope and in a plastic
22 bag, plastic wrapping.

23 Mr. Marshall. Was the envelope sealed?

24 Ms. Parker. No, it was not.

25 Mr. Marshall. Was the plastic wrapping sealed?

1 Ms. Parker. Yes.

2 Mr. Marshall. Was there anything else given to you besides
3 the package and the report that you have described?

4 Ms. Parker. No.

5 Mr. Marshall. Did the maid say anything to you?

6 Ms. Parker. No, she did not.

7 Mr. Marshall. Did she identify to you who lived at the
8 address?

9 Ms. Parker. No.

10 Mr. Marshall. Did you have any contact with any other
11 person there at the address?

12 Ms. Parker. No, sir.

13 Mr. Marshall. After receiving the package that you
14 described, what did you do?

15 Ms. Parker. The taxi waited for me and I went back to the
16 airport and took the next available shuttle to New York.

17 Mr. Marshall. Could you see the report through the
18 plastic bag that you described?

19 Ms. Parker. I opened the plastic bag and looked inside
20 to see if it was indeed the report. It was.

21 Mr. Marshall. Did the report have a title to it or
22 anything on the front page?

23 Ms. Parker. Yes, but I don't remember the exact wording.

24 Mr. Marshall. Did you read anything in the report other
25 than the first page?

1 Ms. Parker. No, sir.

2 Mr. Marshall. You did not look through it at all?

3 Ms. Parker. I opened it just to see if it was the report
4 and did not read any of the material.

5 Mr. Marshall. Did you determine the number of pages in
6 the report?

7 Ms. Parker. No. No, sir. It was maybe two inches thick,
8 it seemed, looseleaf pages.

9 Mr. Marshall. Was the report in a binder of any kind?

10 Ms. Parker. No, sir.

11 Mr. Marshall. They were just loose pages?

12 Ms. Parker. Loose pages.

13 Mr. Marshall. Do you have any rough estimate as to how
14 many pages were there?

15 Ms. Parker. I would say several hundred, but I'm not
16 sure.

17 Mr. Marshall. Were these original typed pages?

18 Ms. Parker. No, sir.

19 Mr. Marshall. What was the method of --

20 Ms. Parker. I believe it was a Xerox. It seemed to be.
21 It was not an original. It seemed to be a Xerox.

22 Mr. Marshall. Was there anything in the package other
23 than Xeroxed pages that you described?

24 Ms. Parker. I only opened the manila envelope and looked
25 at the first couple of pages. I didn't look through the entire

1 Mr. Marshall. Were there any notations or writings that
2 were not typewriting on the report?

3 Ms. Parker. Not that I saw, no.

4 Mr. Marshall. You saw no personal note on the margin or
5 personal writing?

6 Ms. Parker. No.

7 Mr. Marshall. Did you have to give a receipt to the maid
8 for the report?

9 Ms. Parker. No, sir.

10 Mr. Marshall. I believe you testified that you got back
11 in the cab and then returned to the airport.

12 Ms. Parker. Yes, sir.

13 Mr. Marshall. And from there you returned to New York?

14 Ms. Parker. That's right.

15 Mr. Marshall. Did you meet anyone on your trip to
16 Washington other than the cab driver and the maid that you
17 testified to?

18 Ms. Parker. No, sir.

19 Mr. Marshall. On your return after picking up the
20 package did you meet anyone in the airport?

21 Ms. Parker. No, sir.

22 Mr. Marshall. Did you keep the package that you picked
23 up in your custody at all times?

24 Ms. Parker. Yes, sir.

25 Mr. Marshall. Let me show you a photograph of a home which

1 I am going to ask the court reporter to mark as an exhibit to
2 this witness' testimony, two photographs.

3 (The two photographs referred to were marked Exhibit 1
4 for identification, as follows:)

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SUSAN PARKER TESTIMONY



22

3113 Woodley

EXHIBIT NO. 1 TO SUSAN PARKER TESTIMONY

1 (The pictures were handed to the witness.)

2 Mr. Marshall. Have you examined those two pictures?

3 Ms. Parker. Yes, sir.

4 Mr. Marshall. Could you tell us if those, in fact, are
5 pictures of the home or the house where you picked up the
6 package you described?

7 Ms. Parker. Yes, they are pictures of the home.

8 Mr. Marshall. Would you again repeat the address of the
9 house where you picked up the package.

10 Ms. Parker. 3113 Woodley.

11 Mr. Marshall. That is in Northwest, Washington, D. C.

12 Ms. Parker. I am not familiar with Washington but it's
13 near the Cathedral.

14 Mr. Marshall. And that is the address of the homes shown
15 in the pictures?

16 Ms. Parker. I would assume so. I saw the home this
17 morning.

18 Mr. Marshall. Had you ever been to that house before?

19 Ms. Parker. No, sir.

20 Mr. Marshall. When you returned to New York to whom did
21 you surrender the package that you picked up?

22 Ms. Parker. Mr. Felker.

23 Mr. Marshall. Personally?

24 Ms. Parker. Yes.

25 Mr. Marshall. Did Mr. Felker make any statement to you

1 when you gave him the package?

2 Ms. Parker. Not that I recall. He may have said, "Did
3 you have any problem." I believe he said something to that
4 effect, and I said no.

5 Mr. Marshall. Any other conversation that transpired
6 between you and Mr. Felker concerning the particular package
7 that you picked up?

8 Ms. Parker. No, sir.

9 Mr. Marshall. Did you have any other contact with
10 Mr. Felker that day or conversation with him?

11 Ms. Parker. About the report?

12 Mr. Marshall. Yes, ma'am.

13 Ms. Parker. Not that I recall, no.

14 Mr. Marshall. In your other conversations were they
15 conversations dealing with your other duties as his assistant?

16 Ms. Parker. That's correct, yes.

17 Mr. Marshall. Have you ever had a conversation with
18 Mr. Felker concerning Mr. Daniel Schorr?

19 Ms. Parker. No, sir, I have not.

20 Mr. Marshall. Has Mr. Felker ever identified to you or
21 made any statement to you concerning Mr. Schorr as being the
22 person who lived at the home where you picked up the package?

23 Ms. Parker. Yes, sir.

24 Mr. Marshall. Would you tell us that conversation?

25 Ms. Parker. Yesterday afternoon we were discussing in

1 the office the fact that I was coming to Washington today and
2 in the presence of several other members of the magazine he
3 said I was appearing and was asked why -- because I had picked
4 up the package from Mr. Schorr's house.

5 Mr. Marshall. That is what he said?

6 Ms. Parker. That's what he said.

7 Mr. Marshall. Have you had any conversation with
8 Mr. Felker at all explaining how the report got at the home
9 where you picked it up in Washington?

10 Ms. Parker. No, sir, I haven't.

11 Mr. Marshall. He did not mention that subject to you?

12 Ms. Parker. No, he hasn't.

13 Mr. Marshall. Have you had any conversation or contact
14 with Mr. Daniel Schorr?

15 Ms. Parker. No, sir, I have not.

16 Mr. Marshall. Do you know Mr. Schorr.

17 Ms. Parker. I know of him.

18 Mr. Marshall. Have you ever met him?

19 Ms. Parker. No, sir.

20 Mr. Marshall. Never had any telephone conversation with
21 him?

22 Ms. Parker. He may have called Mr. Felker subsequent to
23 my visit to New York, or to Washington, in which case I may
24 have answered the phone. I think I spoke to him once on the
25 phone but that was after that time.

1 Mr. Marshall. But other than that?

2 Ms. Parker. No contact.

3 Mr. Marshall. You never had any discussion or contact or
4 communication with Mr. Schorr of any kind concerning where he
5 obtained the report that you picked up?

6 Ms. Parker. No, sir.

7 Mr. Marshall. Do you know when that phone call took place?

8 Ms. Parker. No, sir, I don't.

9 Mr. Marshall. Ms. Parker, do you know where Mr. Schorr
10 obtained the document which you picked up in Washington, D. C.
11 as you have described today?

12 Ms. Parker. No, sir.

13 Mr. Marshall. Do you have any information whatsoever on
14 that subject?

15 Ms. Parker. No, sir.

16 Mr. Marshall. Do you know of anyone who has any such
17 knowledge?

18 Ms. Parker. No, I do not.

19 Mr. Marshall. Have you seen any writing at the Village
20 Voice or any other place pertaining to the source of where
21 Mr. Schorr obtained that document?

22 Ms. Parker. No, sir.

23 Mr. Flynt. Mr. Bennett.

24 Mr. Bennett. No questions.

25 Mr. Flynt. Mr. Spence?

1 Mr. Spence. I don't have any questions.

2 Mr. Flynt. Mr. Quillen?

3 Mr. Quillen. Mr. Chairman, thank you.

4 Have you testified what time you left New York?

5 Ms. Parker. No, sir.

6 I think it was -- I think I caught the 11 o'clock shuttle
7 from New York.

8 Mr. Quillen. Do you remember which one you caught
9 returning to New York?

10 Ms. Parker. I believe it was the 2 o'clock shuttle.

11 Mr. Quillen. That is all, Mr. Chairman.

12 Mr. Flynt. Mr. Hutchinson?

13 Mr. Hutchinson. No questions.

14 Mr. Flynt. Mr. Marshall.

15 Mr. Marshall. Ms. Parker, did you ever see the report that
16 you testified you picked up in Washington after you turned it
17 over to Mr. Felker?

18 Ms. Parker. No, sir.

19 Mr. Marshall. Do you know whether any copies were made of
20 that report?

21 Ms. Parker. I think copies were made, yes.

22 Mr. Marshall. What is the basis for your belief that
23 copies were made?

24 Ms. Parker. I think copies were made for the editors
25 involved in preparing it for the paper.

1 Mr. Marshall. Did you actually see the copies being
2 made?

3 Ms. Parker. No, I did not.

4 Mr. Marshall. When you say you think copies were made,
5 what is the basis for your believing that?

6 Ms. Parker. Well, it is a very small office and to the
7 best of my knowledge I recollect discussing the fact with an
8 assistant to one of the editors who made the copy but I am not
9 sure --

10 Mr. Marshall. Do you recall the name of that person?

11 Ms. Parker. It would have been Sandra Morehouse.

12 Mr. Marshall. Will you spell that for the reporter?

13 Ms. Parker. S-a-n-d-r-a M-o-r-e-h-o-u-s-e. I can't be
14 absolutely sure that it was that person.

15 Mr. Marshall. Is there any other basis for your belief
16 that copies were made of the document you picked up?

17 Ms. Parker No, sir.

18 Mr. Marshall. To your knowledge was the report that you
19 picked up ever returned to Mr. Schorr, or to anyone acting on
20 his behalf, or to his attorney, or to anyone else?

21 Ms. Parker. I believe a copy was returned to his attorney.

22 Mr. Marshall. Do you know who that was?

23 Ms. Parker. I think Mr. Latham returned his copy,
24 Mr. Aaron Latham, returned his copy to Mr. Califano.

25 Mr. Marshall. Do you know Mr. Califano as being Mr. Schorr's

1 Ms. Parker. Yes, I do.

2 Mr. Marshall. Have you had any discussions with
3 Mr. Califano?

4 Ms. Parker. No, sir.

5 Mr. Marshall. Have you had any discussions with Mr. Latham
6 about this particular matter?

7 Ms. Parker. Yes.

8 Mr. Marshall. Would you tell us those discussions, please.

9 Ms. Parker. After my trip to Washington, I, one evening,
10 had dinner with Mr. Latham and I described my trip to
11 Washington to him and he was familiar with the report. He
12 wrote the introduction to the report as it was published in
13 the Village Voice.

14 Mr. Marshall. Have you had any conversation with any
15 other person concerning the Select Committee's report other than
16 what you testified to, and, of course, your attorney, I know
17 you have talked with him, but anyone else besides that?

18 Ms. Parker. No, sir.

19 Mr. Marshall. Do you know a Mr. Zalaznick who works on
20 the Village Voice?

21 Ms. Parker. Mr. Zalaznick, yes.

22 Mr. Marshall. What is his job?

23 Ms. Parker. He is an executive editor of the magazine,
24 one of our editorial directors.

25 Mr. Marshall. Do you work with him as a portion and part

1 of your job?

2 Ms. Parker. No, sir.

3 Mr. Marshall. Have you had any conversations with him
4 concerning the Select Committee's report or any copies made
5 from that report?

6 Ms. Parker. I informed him that I had been contacted by
7 Mr. McDaniel and indicated the basis of the conversation I had
8 with Mr. McDaniel.

9 Mr. Marshall. Mr. McDaniel of this committee staff?

10 Ms. Parker. Yes.

11 Mr. Marshall. Did Mr. Zalaznick make any statement to
12 you concerning the report or copies that were made of the
13 report or destruction of copies?

14 Ms. Parker. No, sir.

15 Mr. Marshall. I believe your testimony was you have not
16 seen a copy of the report or the document you turned over to
17 Mr. Felker after giving it to him; is that right?

18 Ms. Parker. That is correct.

19 Mr. Marshall. Have you had occasion to see any copies
20 of that report or portions of copies of the report in the
21 Village Voice?

22 Ms. Parker. Have I seen copies of the report in the
23 office?

24 Mr. Marshall. Yes, ma'am.

25 Ms. Parker. No, I have not.

1 Mr. Marshall. Or in any other place?

2 Ms. Parker. No, sir.

3 Mr. Marshall. Do you know whether any copies of the
4 report are still in existence or not?

5 Ms. Parker. Not to my knowledge, no.

6 Mr. Marshall. With regard to the phone call you suggested
7 or you recall that you may have taken from Mr. Schorr, was that
8 before or after the trip you made to Washington, D. C. on
9 February 6, 1976?

10 Ms. Parker. It was after the trip.

11 Mr. Marshall. Was this after the publication in the
12 Village Voice or before?

13 Ms. Parker. After the publication.

14 Mr. Marshall. After the February 23 publication?

15 Ms. Parker. Yes, some time after that.

16 Mr. Marshall. Did you have any conversation with
17 Mr. Schorr during that telephone call?

18 Ms. Parker. No, sir, I did not.

19 Mr. Marshall. Whom did he ask for?

20 Ms. Parker. Mr. Felker.

21 Mr. Marshall. And you simply put him with Mr. Felker?

22 Ms. Parker. Yes, sir.

23 Mr. Marshall. You did not listen to the conversation
24 between Mr. Schorr and Mr. Felker?

25 Ms. Parker. No, sir.

1 Mr. Marshall. You have had no further contact with
2 Mr. Schorr?

3 Ms. Parker. That is correct.

4 Mr. Marshall. And just to be absolutely clear on this
5 point, have you ever had any conversation with Mr. Califano?

6 Ms. Parker. No, sir.

7 Mr. Marshall. Any communication of any kind with
8 Mr. Califano?

9 Ms. Parker. I believe that Mr. Califano called Mr. Felker
10 but I don't remember the time. It was after my trip to
11 Washington.

12 Mr. Marshall. Did you witness or overhear that
13 conversation?

14 Ms. Parker. No, sir, I did not.

15 Mr. Flynt. Any further questions?

16 Mr. Bennett. No questions.

17 Mr. Quillen. Mr. Chairman.

18 Mr. Flynt. Mr. Quillen.

19 Mr. Quillen. One thought.

20 In your work as secretary and as an assistant, do you
21 have knowledge of payments for material used in the publication?

22 Ms. Parker. Yes, I do.

23 Mr. Quillen. What was paid for the use of the report of
24 the Village Voice?

25 Ms. Parker. There was no payment involved.

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1 Mr. Quillen. That is all, Mr. Chairman.

2 Mr. Flynt. Are there further questions?

3 Ms. Parker and Mr. Law, you are released from Ms. Parker's
4 subpoena and we would like to express the thanks of the
5 committee not only for your willing response to the subpoena,
6 but for your cooperation with the committee and the committee
7 staff.

8 With the thanks of the committee you are released from
9 your subpoena.

10 Ms. Parker. Thank you.

11 Mr. Flynt. Thank you, Mr. Counsel, for appearing with
12 the witness.

13 Mr. Law. I will return these exhibits.

14 Mr. Marshall. Yes, if you will give those to the
15 reporter.

16 Mr. Flynt. The bells and lights indicate that a live
17 quorum call is in progress on the floor of the House of
18 Representatives. Accordingly, the committee will suspend
19 and will reconvene in this room at 3:30 p.m.

20 (Brief recess.)

21

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BB fls
3:30 pm

1 Mr. Flynt. The Committee will come to order.

2 A quorum is present.

3 Our next witness is Ms. Emily Sheketoff.

4 Ms. Sheketoff, will you please stand and I will administer
5 the oath.

6 You do solemnly swear that the testimony you will give
7 before this Committee in matters now under consideration will
8 be the truth, the whole truth, and nothing but the truth, so
9 help you God?

10 TESTIMONY OF MS. EMILY SHEKETOFF

11 Ms. Sheketoff. I do.

12 Mr. Flynt. Ms. Sheketoff, we thank you for your appearance
13 before the Committee. I believe you appeared voluntarily.

14 Ms. Sheketoff. That is correct.

15 Mr. Flynt. We thank you for that voluntary appearance and
16 for your cooperation.

17 Mr. Marshall has some questions.

18 Mr. Marshall. Prior to the hearing you received copies
19 of House Resolution 1040 and 1054?

20 Ms. Sheketoff. Yes, I have.

21 Mr. Marshall. As well as the Rules of the House on
22 Investigative Procedures and Mr. Flynt's opening statement?

23 Ms. Sheketoff. I received everything except Mr. Flynt's
24 opening statement, which I was just handed.

25 Mr. Marshall. If you wish to refer to any of those items

1 during the course of the hearing you may.

2 Do you have a written statement?

3 Ms. Sheketoff. No.

4 Mr. Marshall. Do you have an oral statement?

5 Ms. Sheketoff. No.

6 Mr. Marshall. Have you produced any documents relating
7 to the work of the Select Committee on Intelligence?

8 Ms. Sheketoff. I had no documents in my possession.

9 Mr. Marshall. In the event you have information given
10 during an executive session of the Select Committee on
11 Intelligence or classified information, or information which
12 may tend to defame or incriminate any individual, please advise
13 this Committee so we can take appropriate action under the
14 Rules of the House of Representatives.

15 Ms. Sheketoff. Right.

16 Mr. Marshall. What was your title?

17 Ms. Sheketoff. My title was Investigator.

18 Mr. Marshall. Would you outline briefly your duties
19 during the time you were on the staff of the Select Committee?

20 Ms. Sheketoff. As an investigator I was responsible for
21 organizing hearings on assigned topics. Later on the Committee
22 I was given additional responsibility as Assistant to Staff
23 Director.

24 Mr. Marshall. When did you assume your duties with the
25 Select Committee?

1 Ms. Sheketoff. Late May of '75.

2 Mr. Marshall. When did your duties terminate?

3 Ms. Sheketoff. March 31, '76.

4 Mr. Marshall. Did your duties involve any security of
5 classified information?

6 Ms. Sheketoff. Yes.

7 Mr. Marshall. Will you outline that aspect of your duties
8 in securing classified information which came to the Committee?

9 Ms. Sheketoff. As a member of the staff, I was empowered
10 to request information directly from any agency that I might
11 need it from. Occasionally, in that regard, I would be given
12 the information at the agency and would bring it back to the
13 Committee spaces where it would be logged in the Committee
14 secured area and kept in the safe. Also, materials I produced
15 from interviews which may have been classified were also kept
16 in the secure area.

17 Mr. Marshall. Who was in charge of logging in classified
18 documents or classified information?

19 Ms. Sheketoff. Miss Hess was the librarian in the back.
20 She had people working for her including a documents clerk.
21 They all did it, I don't know who had ultimate responsibility.

22 Mr. Marshall. Were you also given the responsibility of
23 dealing with distribution of various drafts of the Select Com-
24 mittee's reports?

25 Ms. Sheketoff. Yes.

1 Mr. Marshall. When were you assigned that responsibility?

2 Ms. Sheketoff. When I took on the responsibility of
3 assisting Mr. Field in late December of 1975.

4 Mr. Marshall. Did those duties continue until the Select
5 Committee had adopted a final report?

6 Ms. Sheketoff. Yes, they did.

7 Mr. Marshall. Would you outline for us the nature of those
8 duties, please, particularly regarding the distribution of any
9 drafts of the Select Committee report?

10 Ms. Sheketoff. As a draft was prepared in its rough form,
11 it would be given to me and I would handle having it typed,
12 reproduced and storing it. When it was ready January 19 to be
13 distributed, I asked some people who had helped me throughout
14 that time and they took it to the Congressmen's offices and
15 gave it to the Congressmen involved.

16 Mr. Marshall. Was the draft of January 19, 1975, the
17 first complete draft distributed to the members of the Committee?

18 Ms. Sheketoff. Yes, it was.

19 Mr. Marshall. Was that assembled well in advance to the
20 19th, or was it a situation where you worked right up until
21 distribution began?

22 Ms. Sheketoff. We worked up until distribution began.

23 Mr. Marshall. Were you privy to any conversations with
24 the Chairman of the Committee as to whether the draft of
25 January 19 should be distributed to members in their offices or

1 kept within the Committee spaces and have the members come in
2 and review it?

3 Ms. Sheketoff. When we first started on assembling the
4 report I was told the members would have to come to the secure
5 area and read it.

6 Mr. Marshall. Who told you that?

7 Ms. Sheketoff. Mr. Field. It was also his opinion no
8 copy would leave the staff space. In that way he would be able
9 to maintain its security until it was released to the public.
10 After speaking with the Chairman he told me the Chairman did
11 not like the idea. It wouldn't give the members the time
12 needed to go over it as carefully as it should. Therefore, it
13 would be distributed to each member's office.

14 He further said the Chairman didn't want any undue
15 security on it such as labeling each copy. He said each
16 member should be apprised of the fact the report contained
17 executive meeting material.

18 Mr. Marshall. Were you aware the draft of January 19, 1976,
19 had classified material in it?

20 Ms. Sheketoff. It had material from executive sessions.

21 Mr. Marshall. Do you know if it had information containing
22 confidential, secret or top secret material?

23 Ms. Sheketoff. I don't know. I know of my own knowledge
24 it had executive session material in it.

25 Mr. Marshall. Classified material, its presence or not

1 was not known to you?

2 Ms. Sheketoff. I knew of the sensitivity of the things
3 in the report because I had worked on the report.

4 Mr. Marshall. Had you had any experience prior to this
5 job with handling classified material?

6 Ms. Sheketoff. Yes. Before I took this job, I had a
7 job with the Commission on the Reorganization of Government
8 for the Conduct of Foreign Policy. I did a study of the
9 security system for them, the security classification system.

10 Mr. Marshall. When you use the phrase "sensitive
11 material", what are you referring to? I am not talking about
12 specific things, I am just trying to get your definition of
13 "sensitive material".

14 Ms. Sheketoff. Material the Executive Branch might classify
15 secret or top secret or which our Congress might discuss in
16 executive session, material which is not published at that time.

17 Mr. Marshall. You indicated you were told by Mr. Field
18 there was no labeling of a particular draft.

19 Ms. Sheketoff. Occasionally we would get things from the
20 intelligence agencies which would have stamped on each page,
21 "Copy 1 of 5", "Copy 2 of 5". I assume Mr. Pike did not want
22 that. He felt it implied we didn't trust the members.

23 Mr. Marshall. Was this information reported to you by Mr.
24 Field?

25 Ms. Sheketoff. Yes. I took all my instructions from Mr.

1 Field.

2 Mr. Marshall. You never had any conversations directly
3 with Mr. Pike on this subject?

4 Ms. Sheketoff. No, sir.

5 Mr. Marshall. I take it then the various copies of the
6 draft of January 19, 1976, were not numbered.

7 Ms. Sheketoff. That is correct.

8 Mr. Marshall. Was any consideration given to having mem-
9 bers of the Select Committee sign for a particular copy of the
10 draft.

11 Ms. Sheketoff. No. We were instructed to treat this as
12 executive session material and we didn't do anything different
13 than that.

14 Mr. Marshall. Were there any instructions given to persons
15 who acted as couriers from the Select Committee spaces to the
16 members carrying the January 19, 1976, draft?

17 Ms. Sheketoff. On Monday the 19th, I asked two or three
18 people to take the copies and I told them to give them directly
19 to the Congressmen.

20 Mr. Marshall. Did you give them any instructions what
21 they were to do in the event the Congressmen were not in their
22 office?

23 Ms. Sheketoff. The Congressmen were all waiting for this.
24 Delivery had been promised many hours before it occurred.

25 Mr. Marshall. Did you have instances where couriers

1 reported back to you delivery couldn't be made to a Congressman
2 personally?

3 Ms. Sheketoff. That I can't recall.

4 Mr. Marshall. Did you make any effort to ascertain that
5 delivery had been made?

6 Ms. Sheketoff. I assumed since the phone calls stopped
7 all the Congressmen got their copies.

8 Mr. Marshall. Did the couriers have to report back to
9 you the person to whom they delivered the draft of January 19?

10 Ms. Sheketoff. No, I assumed since I had instructed them
11 to give them the copies, that is what they had done.

12 Mr. Marshall. Were there any written records kept as to
13 delivery, as to time or who carried it to a particular Congress-
14 man?

15 Ms. Sheketoff. No.

16 Mr. Marshall. Were any records of any kind kept?

17 Ms. Sheketoff. Later on Mr. Field asked me if I could
18 account for the copies of the report and I read him a memo
19 accounting of the draft.

20 Mr. Marshall. Were there just 20 copies made of the draft?

21 Ms. Sheketoff. There were 20 copies, one original.

22 Mr. Marshall. There was a total of 21?

23 Ms. Sheketoff. Yes.

24 Mr. Marshall. What was done with the original?

25 Ms. Sheketoff. The original was kept in the safe so we

1 Mr. Marshall. Would any Select Committee member or any
2 member of the staff have access to that original?

3 Ms. Sheketoff. It was either locked in my safe and no
4 one would have access to it, or it was under one of the larger
5 safes under Miss Hess' control.

6 Mr. Marshall. Do you know in which safe it first occupied?

7 Ms. Sheketoff. I don't know.

8 Mr. Marshall. Was your safe a combination or key safe?

9 Ms. Sheketoff. A key safe.

10 Mr. Marshall. Where did you keep the keys to that safe?

11 Ms. Sheketoff. With me.

12 Mr. Marshall. You took it home with you at the end of the
13 working day?

14 Ms. Sheketoff. I kept it around my neck.

15 Mr. Marshall. There has been some testimony a key was
16 kept under a telephone in the Select Committee spaces?

17 Ms. Sheketoff. That was another safe.

18 Mr. Marshall. Now, were 13 of the copies then distributed
19 to the members of the Select Committee?

20 Ms. Sheketoff. Yes, sir.

21 Mr. Marshall. That leaves seven copies to account for?

22 Ms. Sheketoff. Yes, sir.

23 Mr. Marshall. Can you tell me what was done with those
24 copies?

25 Ms. Sheketoff. One copy was handed by Mr. Field to Mr.

1 Rogovin of the CIA; one copy to Mr. Field; one copy to Mr.
2 Donner, counsel to the Committee; one copy to Mr. Boos, who was
3 Mr. Field's chief assistant; and I kept one copy to be used
4 for corrections during the Committee hearings.

5 Mr. Marshall. Now, if I am not mistaken, that gives us
6 four of the copies.

7 Mr. Swanner. Five.

8 Ms. Sheketoff. Five.

9 Mr. Marshall. What about the other two?

10 Ms. Sheketoff. The other two we kept aside to be used by
11 the staff while the Congressmen discussed the final report.

12 Mr. Marshall. Where were those copies kept?

13 Ms. Sheketoff. Those copies were kept in my safe along
14 with the copy I kept to be used for corrections.

15 Mr. Marshall. Now, was it the case that when the Select
16 Committee met after the original distribution of the January
17 19 draft, that you had to make some of those copies available
18 to Select Committee members who hadn't brought their personal
19 copy to the Select Committee space?

20 Ms. Sheketoff. Yes, sir.

21 Mr. Marshall. Was there any accounting insofar as sign-
22 ing that particular copy out to a Committee member?

23 Ms. Sheketoff. No, I was there and I knew who took it.

24 Mr. Marshall. Was there any instance in which you gave
25 such an extra copy to a Select Committee member when the copy

1 was not returned?

2 Ms. Sheketoff. This copy you are referring to, I took
3 back some days later.

4 Mr. Marshall. Which copy was that?

5 Ms. Sheketoff. The extra copy Mr. Aspin had.

6 Mr. Marshall. Do you recall the date that was delivered
7 to Mr. Aspin?

8 Ms. Sheketoff. The date it was delivered to him?

9 Mr. Marshall. Yes, ma'am.

10 Ms. Sheketoff. Wednesday the 21st at the Committee hearing.
11 He said he didn't bring his volumes with him and he took one of
12 the staff volumes.

13 Mr. Marshall. When you say he took one of the staff
14 volumes --

15 Ms. Sheketoff. There were two volumes of the report.

16 Mr. Marshall. Did he take both volumes?

17 Ms. Sheketoff. At another time he took another volume.

18 Mr. Marshall. On the first occasion were both volumes of
19 the staff copy of the January 19 draft delivered to Mr. Aspin?

20 Ms. Sheketoff. They were not delivered to him ever. We
21 were all in the same room, he stepped to the end and said, "I
22 have forgotten my copy, may I use one of yours?" And whoever
23 it was said, "Sure."

24 Mr. Marshall. Mr. Aspin removed that copy from the room?

25 Ms. Sheketoff. Yes, he took it to his office.

1 Mr. Marshall. Was Mr. Aspin contacted that day to
2 recover that copy?

3 Ms. Sheketoff. No.

4 Mr. Marshall. You say it was recovered a little while
5 later?

6 Ms. Sheketoff. The next week when I had a little more
7 time, I took care of it.

8 Mr. Marshall. Are you referring to January 26, the follow-
9 ing week, when you say the next week?

10 Ms. Sheketoff. Yes, I think so.

11 Mr. Marshall. How did you take care of it?

12 Ms. Sheketoff. I went up to his office and took it.

13 Mr. Marshall. Did you make any query as to who had access
14 to that particular copy while it was in Mr. Aspin's control?

15 Ms. Sheketoff. No. There was no need to. That was a
16 time the Committee had voted to make the report public.

17 Mr. Marshall. Are you referring to a vote on January 23rd,
18 1976?

19 Ms. Sheketoff. Yes, sir.

20 Mr. Marshall. Is that the vote where the Committee
21 adopted the report?

22 Ms. Sheketoff. Yes, sir.

23 Mr. Marshall. There was no discussion at that time as to
24 whether that vote constituted the will of the Committee to make
25 the report public?

1 Ms. Sheketoff. Yes, sir, there was. I was told to get
2 what had been passed ready to go to the printer and to arrange
3 for enough copies on Friday, January 30, so all the press who
4 had been covering us would get their copies right away.

5 Mr. Marshall. Who gave that instruction?

6 Ms. Sheketoff. Mr. Field.

7 Mr. Marshall. When?

8 Ms. Sheketoff. When the Committee voted.

9 Mr. Marshall. On January 23?

10 Ms. Sheketoff. Yes.

11 Mr. Marshall. Were you present when the Committee voted?

12 Ms. Sheketoff. Yes.

13 Mr. Marshall. The records show that vote was simply an
14 adoption of the report, not an expression of the will of the
15 Committee that the report be made public. Is that your recol-
16 lection or do you believe those records to be incorrect?

17 Ms. Sheketoff. I just believe you are misinterpreting
18 them.

19 Mr. Marshall. Help me to interpret them.

20 Ms. Sheketoff. Well, in my work on the Hill, I have
21 always found when a Committee votes to pass its report to the
22 Clerk of the House and to have a certain number of copies
23 printed, that report is made public in one swoop. I was very
24 surprised to learn this was not the case.

25 Mr. Marshall. Do you recall during that vote, that that

1 vote constituted a vote that it be made public?

2 Ms. Sheketoff. No, I think most Congressmen just assumed
3 it would be made public.

4 Mr. Marshall. And I take it that was your assumption based
5 upon the custom as you understand that custom to be on the Hill?

6 Ms. Sheketoff. Yes, sir.

7 Mr. Marshall. Now, when Mr. Field instructed you to go to
8 the printer for additional copies, was there any discussion as
9 to security of those copies before they were to be released?

10 Ms. Sheketoff. Well, because of the length of the report
11 and the fact it wouldn't be totally ready until Tuesday, we
12 wouldn't get it back from the printers until Friday, and,
13 therefore, there was no need for security. When we got it, it
14 would go right to the Clerk of the House.

15 Mr. Marshall. Now, will you tell me again when you
16 received the instruction from Mr. Field as to getting the
17 report to the printers?

18 Ms. Sheketoff. On Friday 23rd, when the Committee voted
19 to accept the amended staff draft, I had many instructions from
20 Mr. Field, including the instruction that I have the editor go
21 over the correct thing, correcting grammar and punctuation and
22 spelling, to get it ready, so that as soon as we could, we
23 could deliver everything perfect to the printer.

24 Mr. Marshall. Who was the editor?

25 Ms. Sheketoff. Jody Scheiber.

1 Mr. Marshall. Was a copy of the report as adopted by
2 the Committee on January 23rd, 1976, ever transmitted to the
3 printer?

4 Ms. Sheketoff. Yes, sir.

5 Mr. Marshall. When was that done?

6 Ms. Sheketoff. I believe on Tuesday, January 27th, but I
7 really don't remember.

8 Mr. Marshall. Who transmitted that copy?

9 Ms. Sheketoff. We had two General Printing Office people
10 working in our staff space and I arranged with them, we divided
11 it in half, I gave them the first half as soon as it was done.
12 They transmitted it to GPO. The galleys were given back to us.
13 I believe they took care of the galleys and we did a quick
14 proofread to make sure there were no mistakes, then the galleys
15 went back to the two GPO people working within the Committee
16 staff.

17 Mr. Marshall. Who were the two GPO people working in the
18 Committee space?

19 Ms. Sheketoff. Ken Seidel and Marty, somebody.

20 Mr. Marshall. Did you give them copies of the draft on
21 January 23rd?

22 Ms. Sheketoff. No, the Committee voted the draft as it
23 was with two small additions. One was the Chairman and Mr.
24 McClory were to meet and clear up a person's name they thought
25 had been used too much and one other small thing had to be

1 taken care of.

2 Mr. Marshall. Did you read the publication "Village Voice"
3 of January 16 and 23?

4 Ms. Sheketoff. No.

5 Mr. Marshall. You have no idea of what version of the
6 Select Committee's report appeared?

7 Ms. Sheketoff. At one point after it had been released,
8 Mr. Pike asked us to figure out if we could figure it out. I
9 was handed some executive session transcripts but I can't pin-
10 point which version it was.

11 Mr. Marshall. Were you able to make any conclusions at
12 all with the transcripts?

13 Ms. Sheketoff. It didn't look like the original staff
14 draft.

15 Mr. Marshall. Did it look like a draft which had been
16 changed after January 19?

17 Ms. Sheketoff. Yes.

18 Mr. Marshall. Were you able to pinpoint it with any
19 greater specificity?

20 Ms. Sheketoff. No.

21 Mr. Marshall. Did it look like the January 23 draft?

22 Ms. Sheketoff. I don't recall. I was given another small
23 assignment, I had other things to do at the time.

24 Mr. Marshall. Was it January 27 when you actually gave
25 the report to the two persons from GPO?

1 Ms. Sheketoff. Either the 26th or the 27th.

2 Mr. Marshall. Now, between the time the Select Committee
3 voted on January 23rd to adopt the report and the time it was
4 turned over on either the 26th or 27th to the GPO persons, as
5 you have testified, what was done with the copies within the
6 Select Committee spaces as well as the originals?

7 Ms. Sheketoff. The originals were kept wherever they had
8 been all that week.

9 Mr. Marshall. In one of the safes?

10 Ms. Sheketoff. Yes.

11 My corrected copy version was still in my safe. One of
12 our versions had gone out to the Executive Branch on Thursday
13 the 22nd, and Mr. Aspin still had the other one.

14 Mr. Marshall. You say one version had gone out to the
15 Executive Branch on the 22nd. Do you know who delivered that
16 version?

17 Ms. Sheketoff. There was a meeting early in the morning
18 on the 22nd, another in the afternoon and another late at night
19 with some people from the CIA, Mr. Packman of the State Depart-
20 ment and people from other agencies. Sometime during that time
21 they needed a copy of the report as it had been amended so they
22 could make recommendations for additional changes they wanted.
23 Someone gave them the report. I really don't remember it at all.

24 Mr. Marshall. Did they take one of the Select Committee
25 copies with them when they left the meeting?

1 Ms. Sheketoff. They took one of the staff copies.

2 Mr. Marshall. Do you know who took that copy?

3 Ms. Sheketoff. I think it was Mr. Packman, but I don't
4 remember exactly.

5 Mr. Marshall. Do you know who gave Mr. Packman permission
6 to take that copy?

7 Ms. Sheketoff. I am sure Mr. Boos or Mr. Field did.

8 Mr. Marshall. You did not give such permission?

9 Ms. Sheketoff. I don't remember. I may have.

10 Mr. Marshall. Do you recall making a telephone call to
11 Mr. Gregg the following day regarding that copy?

12 Ms. Sheketoff. No. I understand he and Mr. Rogovin said
13 I did, I just don't remember.

14 Mr. Marshall. Now, let us go back to distribution for a
15 moment. After the difficulties of the January 19 draft to which
16 you have testified, were their changes made in that draft?

17 Ms. Sheketoff. Yes, sir.

18 Mr. Marshall. Were these changes distributed to the
19 various members of the Select Committee?

20 Ms. Sheketoff. Yes, sir.

21 Mr. Marshall. Was that distribution carried out in the
22 same manner as the original draft?

23 Ms. Sheketoff. Once the members got the copies of their
24 report, they kept them; as changes were made, the staff was
25 responsible for making new pages so that if any page had a

1 change on it, the member would get that page -- it was changed
2 for him either that night or the next day -- in an envelope.

3 Mr. Marshall. Do you have any recollection of how the
4 changed pages were accounted for? By that I mean the change
5 was made to a particular Select Committee member. Were the
6 changed pages then physically carried back to the Select Commit-
7 tee staff, the old pages?

8 Ms. Sheketoff. No, our staff people would go to the
9 member's office, deliver the envelope. The members could
10 either say, "Would you please put the pages in," or else they
11 would take the envelope and put the pages in themselves.

12 Mr. Marshall. I take it the January 19 with the changes
13 then subsequently became the January 23 draft which was finally
14 adopted?

15 Ms. Sheketoff. Yes, sir.

16 Mr. Marshall. Do you recall a copy of the January 23 being
17 delivered to Mr. Robert or Bob Brauer on January 23?

18 Ms. Sheketoff. I don't remember.

19 Mr. Marshall. Are you saying you have no memory one way
20 or another?

21 Ms. Sheketoff. To be perfectly honest, I really don't
22 remember at all.

23 Mr. Marshall. At that time did you have control, in your
24 judgment, as to where copies were and who was getting copies?

25 Ms. Sheketoff. That day, the Chairman had asked me where

1 all the copies were and I had been able to account for all of
2 them, which is why I might have called Mr. Gregg or Rogovin
3 to determine which one left with our report.

4 When Mr. Pike asked me to account for all the copies, I
5 was able to, so I could assume if there was something missing,
6 we had accounted for it.

7 Mr. Marshall. You mean you were able to ascertain the
8 whereabouts of 20 copies plus one original?

9 Ms. Sheketoff. Yes, sir.

10 Mr. Marshall. And you accounted for those completely?

11 Ms. Sheketoff. Yes, sir.

12 Mr. Marshall. Did you make any writing or memorandum of
13 that accounting?

14 Ms. Sheketoff. I may have given him a memorandum or he
15 may have asked me to come up in person, I really don't remember.

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1 Mr. Marshall. Do you recall a distribution being
2 made specifically to Mr. Lehman, a member of the Select
3 Committee?

4 Ms. Sheketoff. You mean on January 19?

5 Mr. Marshall. Yes, ma'am.

6 Ms. Sheketoff. No, I don't remember that specifically.

7 Mr. Marshall. Do you recall Mr. Lehman coming to the
8 committee spece on January 24, that is a Saturday, in an
9 attempt to locate a copy which was supposed to have been
10 distributed to him?

11 Ms. Sheketoff. I really don't remember. I was there
12 Saturday. I got there at about 9:30 or 10. I was involved
13 with Mr. Kasten, who was interested in getting the CIA
14 copy of the January 23rd version and so he may have been
15 there. I just wouldn't have seen him.

16 Mr. Marshall. This committee has heard testimony
17 from Mr. Lehman that he did not receive his copy in his
18 offices, that the courier from the Select Committee then
19 apparently returned to the Select Committee, and that he
20 attempted to obtain his copy on January 24, a Saturday, that
21 he was unable to do so at the Select Committee spaces, and
22 that another copy was made up rather hastily for him, and
23 delivered to him on that day.

24 Do you recall anything about that?

25 Ms. Sheketoff. I recall that Mr. Lehman's daughter was

1 very sick at the time and he was spending a lot of time
2 in the hospital, and we may have taken his copy to deliver
3 to him at the hospital and missed him, and then the person
4 who had that copy, by the time they returned to the staff
5 space, Mr. Lehman had been given another copy. I don't
6 recall -- I do recall once having to deliver something to
7 him at the hospital, but I don't really recall if that was
8 the time.

9 Mr. Marshall. Were there any other copies made of the
10 January 19 draft with changes other than these 20 copies
11 plus the original that you have already testified to?

12 Ms. Sheketoff. No.

13 Mr. Marshall. Was there a log kept on the Xerox machine
14 within the Select Committee spaces to determine what copies
15 were made of what documents at any time during the month of
16 January 1976?

17 Ms. Sheketoff. No.

18 Mr. Marshall. Did you ever make any complaint about
19 that?

20 Ms. Sheketoff. No.

21 Mr. Flynt. A recorded roll call vote is in progress
22 before the House. The committee will stand in recess to
23 enable the members to respond to the roll call vote and will
24 reconvene immediately following the vote or immediately
25 following a second vote, which may immediately follow the one

1 (Short recess.)

2 Mr. Flynt. The committee will come to order.

3 The committee is in open session.

4 A quorum is present for the purpose of taking testimony
5 and receiving evidence.

6 Ms. Emily Sheketoff is on the stand.

7 Counsel will proceed.

8 Mr. Marshall. Ms. Sheketoff, remember you are under
9 oath.

10 Ms. Sheketoff. Yes, sir.

11 Mr. Marshall. Ms. Sheketoff, following the assembling
12 of the January 23 report, did Mr. Field take a copy of that
13 report home?

14 Ms. Sheketoff. I think he took a copy home, and the
15 reason I think so is because on Monday I had a meeting with
16 the eidtor, Jody Scheiber, and he had editorial corrections
17 done which led me to believe that he had done it at home,
18 but I really don't know whether he did it or not.

19 Mr. Marshall. You didn't see him physica-ly take it
20 out of the office.

21 Ms. Sheketoff. No, I didn't.

22 Mr. Marshall. What time was the meeting with Miss.
23 Schebier on Monday morning?

24 Ms. Sheketoff. Oh, early, probably 7 or 8 o'clock.

25 Mr. Marshall. Did Miss Scheiber have a copy of the

1 January 23 report also in her possession?

2 Ms. Sheketoff. I know that she had one at home because
3 she asked me if she could take something home to work on it
4 because it was too loud and hectic to get any work done at
5 the office.

6 Mr. Marshall. And did you see her take that copy
7 home?

8 Ms. Sheketoff. I didn't see her but I gave her
9 permission to do it, so I assume she did.

10 Mr. Marshall. Were there any other persons who took
11 copies of the Select Committee report or draft of that
12 report from the committee's space?

13 Ms. Sheketoff. You mean staff people?

14 Mr. Marshall. Staff or committee persons.

15 Ms. Sheketoff. I have no idea what the congressmen
16 did with their copies. The staff would take the copies to
17 the hearings the week of January 19th. Other than that I
18 never saw nor do I know of any staff person who ever took
19 one anywhere else.

20 Mr. Marshall. So as I understand your testimony then,
21 with regard to the draft of January 23, 1976, that was actually
22 adopted by the Select Committee on that date, you have reason
23 to believe that Mr. Field took a copy home, and you also have
24 reason to believe Miss Scheiber took a copy home.

25 Ms. Sheketoff. Yes.

1 Mr. Marshall. Any other persons who would have taken
2 that copy of the January 23 draft home?

3 Ms. Sheketoff. No, sir.

4 Mr. Marshall. Or outside the committee space?

5 Ms. Sheketoff. The GPO people took it to GPO.

6 Mr. Marshall. Did they do that on the 23rd of January?

7 Ms. Sheketoff. No, they did it on Monday the 26th or
8 Tuesday the 27th.

9 Mr. Marshall. Could you tell me how many copies of
10 the January 23, 1976 draft plus the original were left
11 in the Select Committee spaces when you left on January
12 23rd, that is left to go home?

13 Ms. Sheketoff. I have no idea.

14 Mr. Marshall. Was there any accounting made at that
15 time as to the whereabouts of copies of the January 23
16 draft?

17 Ms. Sheketoff. I had a list with all 13 congressmen
18 on it, and after each name I either said "Kept copy, deliver
19 Friday, deliver Saturday" or "Hold until Monday." Mr. Milford
20 was in Texas until Monday, so we held his copy. Some
21 congressmen kept theirs, and we just gave them the corrected
22 pages for that day, and then the other congressmen, some of
23 them were going to leave very soon on Friday, so they
24 weren't going to pick theirs up until Saturday, and others
25 wanted it Friday, so those were the priority rush, and they

1 were delivered. Whatever I had left with that list I just
2 stuck in the safe.

3 Mr. Marshall. Do you know where that list is now?

4 Ms. Sheketoff. I shredded it.

5 Mr. Marshall. You shredded it?

6 Ms. Sheketoff. As soon as I completed. I made the
7 list only so that I would know which congressmen I had to
8 rush through because they were waiting for it on Friday.

9 Mr. Marshall. Is it correct then that you cannot now
10 account for where copies were on January 23rd, 1976?

11 Ms. Sheketoff. Yes, sir, I cannot.

12 Mr. Marshall. There has been testimony before this
13 committee that the CIA and State Department representatives
14 took two extra copies with them from the meeting on the
15 evening of January 22 that extended into the morning of
16 January 23rd, 1976. You have mentioned one such copy that
17 you believe was taken.

18 Ms. Sheketoff. Well, sir, they brought copies in
19 with them. What may have happened is they switched them, and
20 they left, I believe that they left with one more copy than
21 they came in with. I have no idea how many copies they
22 switched with our corrected copies while they were there.

23 Mr. Marshall. On January 24th you said that you were
24 in the Select Committee spaces on that morning.

25 Ms. Sheketoff. Saturday.

1 Mr. Marshall. Yes, ma'am.

2 Ms. Sheketoff. Yes.

3 Mr. Marshall. Who else was there from the committee
4 staff?

5 Ms. Sheketoff. The guard, there was always a guard
6 there, Miss Yamamoto was there for a while. I think Mr.
7 Field may have come in later in the afternoon.

8 Mr. Marshall. What is your basis for thinking Mr.
9 Field came in later in the afternoon?

10 Ms. Sheketoff. I think I saw him every day. I don't
11 know, I might have seen him at his home. He may have called
12 in and asked me to come to his house.

13 Mr. Marshall. D you remember coming to Mr. Field's
14 house?

15 Ms. Sheketoff. No.

16 Mr. Marshall. On January 24?

17 Ms. Sheketoff. To be honest, I really don't remember
18 at all. I mean it is all sort of a blur, it was so long ago.

19 Mr. Marshall. But you have no recollection of being
20 asked to come to Mr. Field's house on January 24, 1976.

21 Ms. Sheketoff. No. In the space of about January 5th
22 until January 29th, Mr. Field occasionally would call me
23 at the office and ask me to bring something to his house,
24 so it may have happened on that day. Maybe it didn't.

25 Mr. Marshall. Were you ever called by Mr. Field and

1 asked to bring a copy of the Select Committee report or a
2 draft of that report to his home?

3 Ms. Sheketoff. No.

4 Mr. Marshall. When you left on January 23rd, 1976,
5 whatever time you left that day, did you take a copy of the
6 Select Committee's report with you?

7 Ms. Sheketoff. No, I didn't.

8 Mr. Marshall. You also mentioned that some changes
9 were made after the January 23, 1976 draft was adopted as
10 the Select Committee's report, to your words I believe, to
11 clean up a name.

12 Ms. Sheketoff. Yes, sir.

13 Mr. Marshall. You mean delete that name?

14 Ms. Sheketoff. Well, sir, Henry Kissinger's name was
15 in it a lot, and some of the members felt that certain
16 characterizations of him might have been unfair, and they
17 would prefer that instead of referring to him as Henry
18 Kissinger, they refer to him as the Secretary of State, and
19 sometimes it was changed to a State Department official.

20 Mr. Marshall. When were these changes made?

21 Ms. Sheketoff. Mr. Pike and Mr. McClory met, and went
22 through the document, the report, and had a list of changes
23 which they gave to Jackie Hess and she gave them to me and
24 I incorporated them in the draft that eventually went to the
25 printer.

1 made?

2 Ms. Sheketoff. No, I don't.

3 Mr. Marshall. You don't recall whether it was on a
4 Friday, the 23rd, or a Saturday, the 24th?

5 Ms. Sheketoff. I honestly don't remember.

6 Mr. Marshall. Or perhaps even a Monday, the 26th?

7 Ms. Sheketoff. I honestly don't remember.

8 Mr. Marshall. Was there a time during the period between
9 distribution of January 19, 1976 draft of the Select
10 Committee's report, and the January 23rd, 1976 adoption of
11 the Select Committee's report, when you or members of the
12 committee staff called the offices of various congressmen
13 in an effort to locate copies of the report or drafts of
14 the report?

15 Ms. Sheketoff. Yes, sir. I don't remember when it was,
16 but we wanted to make sure that Mr. Aspin was in fact the
17 one who had taken both volumes during the committee hearings,
18 and so Miss Hess and her people called all the congressional
19 offices to make sure that no congressman had more than one
20 copy of each volume.

21 Mr. Marshall. Did Miss Hess report to you what the
22 results of those telephone calls were?

23 Ms. Sheketoff. Yes.

24 Mr. Marshall. What did she say?

25 Ms. Sheketoff. That Mr. Aspin was the one who had two

1 copies of both volumes.

2 Mr. Marshall. In other words, he had the copy which
3 had been distributed to him in the distribution of January
4 19; is that right?

5 Ms. Sheketoff. Yes, sir.

6 Mr. Marshall. As well as the copy he had picked up
7 on Wednesday, January 21 at the Select Committee spaces.

8 Ms. Sheketoff. Well, picked up one volume on Wednesday,
9 the 21st, and the second volume whenever we discussed that.
10 I don't remember which day it was.

11 Mr. Marshall. But it was after the 21st of January.

12 Ms. Sheketoff. It could have been the afternoon of the
13 21st or it could have been the 22nd. I really don't
14 remember.

15 Mr. Marshall. Did Miss Hess state that she had talked
16 personally with Congressman Aspin?

17 Ms. Sheketoff. No. I assume she talked to whoever in
18 that office took care of liaison with our committee.

19 Mr. Marshall. When Congressman Pike asked you to
20 account for the 20 copies -- you recall your earlier testimony
21 on that -- did you do that by physically contacting those
22 persons to whom copies had been distributed, and being
23 assured that that person had those copies, or did you simply
24 make certain assumptions that they had the copies, based
25 upon what you had instructed the couriers to do?

1 Ms. Sheketoff. I believe that it was about the same
2 time that Miss Hess made all those phone calls, and she was
3 assured that each congressman had one copy.

4 Mr. Marshall. So, in other words, you did not do the
5 accounting yourself. It was Miss Hess that made the
6 accounting.

7 Ms. Sheketoff. Yes. I asked her to take care of it.
8 I was busy, and all I needed was the answer.

9 Mr. Marshall. So you really don't know whether Miss
10 Hess talked to each congressman personally or not; is that
11 correct?

12 Ms. Sheketoff. I have no idea.

13 Mr. Marshall. And you really don't know the physical
14 whereabouts of the staff copies that you described; is that
15 correct?

16 Ms. Sheketoff. Well, sir, Mr. Pike wanted to know where
17 the copies were. He wanted to be sure that we knew where
18 the copies were, because there had been news reports every
19 day that week, and I assured him that we knew where the
20 copies were. If the congressman said he had it and he had
21 really given it away, there was really not very much we
22 could do about it.

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1 Mr. Marshall. But the basis of your assurance was
2 Miss Hess' efforts to locate those copies and not your own
3 personal efforts; is that correct?

4 Ms. Sheketoff. I may have asked some of the people. I
5 really don't remember. I remember I asked Miss Hess to help
6 me call some of the Congressmen's offices. We may have
7 divided it or she may have taken care of it and said, "I am
8 not doing anything."

9 Mr. Marshall. Did you have access to the combinations of
10 the safes in the Select Committee spaces?

11 Ms. Sheketoff. Yes, sir.

12 Mr. Marshall. Did the staff generally have access to
13 those combinations?

14 Ms. Sheketoff. No, sir.

15 Mr. Marshall. Who were the persons who had access to
16 safe combinations besides yourself?

17 Ms. Sheketoff. Are we going to break, or am I going to
18 talk?

19 Mr. Flynt. Answer the question and then we will suspend.

20 Ms. Sheketoff. Okay.

21 Miss Hess was in charge of the safes and the combinations
22 and Carolyn Andrade also had a copy in case Miss Hess was not
23 there and could not open the safes, and toward the end of the
24 committee when I took on the responsibility of assisting
25 Mr. Field I had the combinations to the safes for a brief time

1 but could not use them so I gave them to Mr. Boos.

2 Mr. Flynt. A rollcall is in progress on the floor of the
3 House. The committee will suspend and will reconvene
4 immediately upon the completion of the rollcall.

5 (Brief recess.)

6 Mr. Flynt. The committee will come to order.

7 The committee is in open session. A quorum is present for
8 the purpose of taking testimony and receiving evidence.

9 Mr. Marshall?

10 Mr. Marshall. Ms. Sheketoff, you remember you are still
11 under oath.

12 Ms. Sheketoff. Yes, sir.

13 Mr. Marshall. We were talking about safe combinations at
14 the time we had to suspend. Where were the combinations
15 physically kept, that is, when they were reduced to writing?
16 Do you know?

17 Ms. Sheketoff. Miss Andrade had index-dize cards with the
18 combinations on them and I have no idea where she kept them.
19 Miss Hess had a similar set of combinations and she kept them
20 with her. I had the combinations in January and I had to *
21 Xerox Miss Hess' and I turned my Xerox copy over to Mr. Boos
22 and I believe he kept them with him.

23 Mr. Marshall. When did you return your copy over to
24 Mr. Boos?

25 Ms. Sheketoff. The day that I made the Xerox. I

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attempted to open safes and just could not get the hang of how

1 to do it so there was no point in my having them. Since
2 Mr. Boos was also always there he was the logical person to
3 keep them because he could open the safes. He had worked with
4 them before.

5 Mr. Marshall. Did Congressman Dellums generally leave
6 his copy of the Select Committee's report or draft of the
7 report with the committee at all times, or do you know?

8 Ms. Sheketoff. He had his copy with him the week of the
9 19th and I know that he turned it into us on Friday, the 23rd,
10 to have it checked over to make sure it was current and I
11 really don't know what happened to it after that. I believe he
12 took it back to write his additional views and then he returned
13 it to us for safekeeping.

14 Mr. Marshall. What about Congressman Pike? Did he
15 generally leave his copy within the committee spaces, or did
16 he retain a copy, or do you know?

17 Ms. Sheketoff. I don't know.

18 Mr. Marshall. Did you have anything to do with preparing
19 footnotes to the Select Committee draft?

20 Ms. Sheketoff. Yes, sir.

21 Mr. Marshall. Were you in charge generally of footnoting
22 or was that a responsibility divided among the staff?

23 Ms. Sheketoff. Well, Mr. Field felt that the entire
24 report should be written in one form of writing, one person's
25 style, so he would write whatever it was that the other people
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1 had given him, the investigators or whoever had been assigned
2 a topic to write, and he would then give me the text that he
3 had written indicating where he wanted a footnote and then I
4 would assign people to look up that footnote.

5 Mr. Marshall. Do you remember a particular footnote
6 involving Senator Jackson?

7 Ms. Sheketoff. Do I remember how it came to be?

8 Mr. Marshall. No, ma'am. Just, do you remember there
9 was a footnote involving Senator Jackson?

10 Ms. Sheketoff. Yes.

11 Mr. Marshall. The first time you were aware of that
12 footnote do you recall the number of the footnote?

13 Ms. Sheketoff. No.

14 Mr. Marshall. Does No. 119 strike a bell in your memory?

15 Ms. Sheketoff. I have no idea.

16 Mr. Marshall. Do you recall whether that footnote
17 involving Senator Jackson was shifted from place to place as
18 various drafts of the report were made?

19 Ms. Sheketoff. The only thing I recall about that
20 footnote was that it was not in one of the earliest drafts
21 that was done for Mr. Field but it was added some time on the
22 week-end of January 17, 18, around there, and because of that
23 we had a small mistake.

24 It was page 73 and there was no footnote and in looking
25 it over someone realized that we were using an old page 73

1 which had been corrected. That was one of the corrections on
2 that page. So the page was redone and on the 19th it was
3 inserted in the binders that were being distributed to the
4 Congressmen.

5 Mr. Marshall. So the footnote concerning Senator Jackson
6 appeared in the draft of January 19?

7 Ms. Sheketoff. Yes, sir.

8 Mr. Marshall. Do you know at whose instance that footnote
9 was inserted?

10 Ms. Sheketoff. I imagine either whoever had been assigned
11 to write that portion or when Mr. Field rewrote it. I don't
12 really know.

13 Mr. Marshall. You don't really know. All right.

14 From that page where the footnote was that you testified
15 to was the footnote moved to another page in subsequent drafts
16 or did it always remain on that page?

17 Ms. Sheketoff. As far as I can recall it was always on
18 page 73.

19 Mr. Marshall. Was there any discussion as to what the
20 position of that footnote should be in the various drafts by
21 either members of the Select Committee or by staff or by
22 Mr. Field?

23 Ms. Sheketoff. No, sir.

24 The only time it was ever contemplated was to footnote a
25 Approved For Release 2005/11/28 : CIA-RDP91-00966R000700100001-1
which was at the end of the section. It

1 was used to prove a point that was trying to be made and it
2 was always used right there.

3 Mr. Marshall. Do you recall whether that particular
4 section was moved around in the various drafts following the
5 January 19 --

6 Ms. Sheketoff. No, sir, it was not.

7 Mr. Marshall. Then you have no recollection that what
8 was then footnote 119 became footnote 42 or 42-A?

9 Ms. Sheketoff. I cannot recall the numbers but if it
10 was footnote 42 it would have occurred, I believe, in a page
11 sooner than 73.

12 Mr. Marshall. Who on the staff had responsibility for
13 security of classified documents?

14 Ms. Sheketoff. Mr. Field.

15 Mr. Marshall. Was Miss Hess given any responsibility
16 to your knowledge concerning security of classified documents?

17 Ms. Sheketoff. Miss Hess ran the secure area. She
18 developed procedures which the staff followed, but it was my
19 understanding that Mr. Field always took ultimate responsibility
20 for that. He approved the procedure.

21 Mr. Marshall. Did you have any responsibility for
22 security of classified documents?

23 Ms. Sheketoff. Well, I guess I was in a similar position.
24 He would ask me to institute a procedure, to devise a procedure,
25 and institute it and I would do just that.

1 Mr. Marshall. What sort of procedures are you talking
2 about?

3 Ms. Sheketoff. Well, once we had started to pull together
4 materials for the staff draft he wanted them kept secure so
5 that the members would all get the information at the same time.

6 Mr. Marshall. What procedure did you institute to do
7 this?

8 Ms. Sheketoff. I would parcel out work to people. When
9 they finished it they would have to return it to me so that I
10 always had all the work and kept in a central place.

11 Mr. Marshall. This was when the draft of January 19 was
12 being assembled?

13 Ms. Sheketoff. Yes, sir.

14 Mr. Marshall. As well as when changes were being made?

15 Ms. Sheketoff. Yes, sir.

16 Mr. Marshall. Mr. Daniel Schorr has stated in an article
17 in Rolling Stone of April 8, 1976, that he had possession of
18 the Select Committee's report on January 25, 1976. January 25
19 is a Sunday for your information.

20 Did you give the Select Committee's report or a draft of
21 the report or any portion of the text of the report or a draft
22 to Mr. Schorr or to any other person?

23 Ms. Sheketoff. No, sir.

24 Mr. Marshall. Do you know of anyone who did?

25 Ms. Sheketoff. No.

1 Mr. Marshall. Do you have any knowledge whatsoever of
2 circumstances surrounding the publication of the Select
3 Committee's report or a draft of the report or any text from
4 the report or the draft?

5 Ms. Sheketoff. No, sir.

6 Mr. Marshall. Do you know of anyone who has such
7 knowledge?

8 Ms. Sheketoff. No, sir.

9 Mr. Marshall. Did you give the Select Committee's report
10 or make any part of the report or draft of the report available
11 to anyone outside the Select Committee on Intelligence?

12 Ms. Sheketoff. No, sir.

13 Mr. Marshall. Do you know of anyone who did?

14 Ms. Sheketoff. Mr. Field gave it to Mr. Rogovin.

15 Mr. Marshall. Other than that?

16 Ms. Sheketoff. No, sir.

17 Mr. Marshall. And I take it that was a distribution to
18 Mr. Rogovin of the January 19 draft?

19 Ms. Sheketoff. Yes, sir.

20 Mr. Marshall. Did Mr. Field make any other distribution
21 to Mr. Rogovin that you know of?

22 Ms. Sheketoff. Not that I know of, sir.

23 Mr. Flynt. Mr. Hutchinson.

24 Mr. Hutchinson. No questions.

25 Mr. Flynt. Mr. Mitchell.

1 Mr. Mitchell. Just one, Mr. Chairman.

2 Was there any confusion in the minds of the staffers as
3 to the difference between executive session information and
4 classified information? You seem to use them interchangeably.

5 Ms. Sheketoff. Well, sir, we received classified informa-
6 tion from intelligence Agencies. Once we used it in our session
7 we did not have the authority to classify things so we then
8 referred to it as executive session material.

9 Mr. Mitchell. I thought you were referring to just
10 anything that happened within the committee during an executive
11 session as executive session material, but that is not what you
12 are referring to?

13 Ms. Sheketoff. Well, sir, we have this problem. We didn't
14 have a problem with the classifications. We were briefed on
15 them and we understood what they meant and why. But, I
16 understand that we were in a sort of specialized position and
17 there has now been this controversy about classification and
18 things like that and I am just not qualified to comment on that.

19 Mr. Mitchell. So you just lump everything that is
20 classified under executive session?

21 Ms. Sheketoff. Yes, sir.

22 Mr. Mitchell. The confusion was mine then.

23 Thank you.

24 Thank you, Mr. Chairman.

25 Mr. Flynt. Thank you, Mr. Mitchell.

1 Mr. Marshall?

2 Mr. Marshall. Ms. Sheketoff, I have some additional
3 questions.

4 Chairman Pike has made available to this committee two
5 sets of a draft of the Select Committee report. One set,
6 which consists of two volumes, has on the outside of each
7 volume a label on which is written "Emily -- Original."

8 Mr. Bowers, would you show the witness the copies that
9 I am referring to?

10 Let the record show the witness is examining those copies
11 now.

12 With regard to the copies labeled "Emily -- Original"
13 were these copies maintained by you as staff copies?

14 Ms. Sheketoff. These were the copies I referred to that
15 I made corrections on.

16 Mr. Marshall. What was the purpose served by this copy
17 and the corrections made?

18 Ms. Sheketoff. When we would leave a committee hearing
19 at the end of the day I would know exactly what the committee
20 had voted on as far as how to change anything they wanted to
21 do and this facilitated my then assigning people to retype the
22 pages with the changes and distribute them.

23 Mr. Marshall. This then was the master copy which you
24 kept up to date so that you would know at any given time what
25 the committee's action had been and what the current draft

1 consisted of; is that right?

2 Ms. Sheketoff. Yes, sir.

3 Mr. Marshall. Where was that copy kept?

4 Ms. Sheketoff. This copy was kept in my safe.

5 Mr. Marshall. Did anyone have access to that safe other
6 than you?

7 Ms. Sheketoff. No, sir.

8 Mr. Marshall. That is, that was the key that you wore
9 around your neck?

10 Ms. Sheketoff. Yes, sir.

11 Mr. Marshall. The second set of drafts of the committee
12 report that Chairman Pike has furnished to us labeled with a
13 red border simply marked "Volume I" and "Volume II."

14 The pages in this set contain a number of taped out words
15 with new words inserted.

16 Ms. Sheketoff. Yes, sir.

17 Mr. Marshall. Can you tell us what that set was, that
18 draft was?

19 Ms. Sheketoff. Yes, sir.

20 These were the originals that we maintained. On occasion
21 when a word would be changed, when we changed "intelligence by
22 agencies" to "intelligence agencies" there was a rush. Instead
23 of retyping the entire page we would tape over the type and on
24 the tapes type in "intelligence" and then just Xerox that page.

25 Mr. Marshall. Was this particular draft also kept current

1 depending upon what the committee voted?

2 Ms. Sheketoff. No, sir.

3 This was kept basically as the January 19 version except
4 a few pages were changed.

5 Mr. Marshall. But that was not kept current at all times?

6 Ms. Sheketoff. No, sir.

7 Mr. Marshall. But the "Emily -- Original" was kept
8 current at all times?

9 Ms. Sheketoff. Yes, sir.

10 Mr. Marshall. Where was that copy kept, the ones just
11 simply labeled "Volume I" and "Volume II"?

12 Ms. Sheketoff. I believe it was either in my key safe
13 or in one of Miss Hess' combination safes. I am not sure
14 which place.

15 Mr. Marshall. You don't know who had responsibility for
16 securing that copy?

17 Ms. Sheketoff. Well, I was responsible but I really
18 don't remember which place it was.

19 Mr. Marshall. Which of the copies, if either, was sent
20 to the printer?

21 Ms. Sheketoff. Neither. Either Mr. Donner or Mr. Boos'
22 copy, or maybe it was the staff copy -- I don't really
23 remember -- was corrected by Miss Scheiber, and that was the
24 copy that went to the printer.

25 Mr. Marshall. Would Miss Scheiber have been working from

1 the copy designated "Emily -- Original" or would she have been
2 working from another copy?

3 Ms. Sheketoff. No; she had to be working from another
4 because I had to keep these in case there was a question and she
5 was marking them up with grammatical corrections and things
6 like that.

7 Mr. Marshall. I take it then the copy before you marked
8 Volume I and Volume II, copies of that would have been
9 distributed to the Select Committee members; is that right?

10 Ms. Sheketoff. On January 19?

11 Mr. Marshall. Yes, ma'am.

12 Ms. Sheketoff. Yes, sir.

13 Mr. Marshall. And do you know whether this was in fact
14 Chairman Pike's copy that you have before you marked Volume I
15 and Volume --

16 Ms. Sheketoff. Sir, neither one of these was Mr. Pike's
17 copy.

18 Mr. Marshall. Do you know the disposition of Chairman
19 Pike's copy, that is, the one that was distributed to him on
20 January 19.

21 Ms. Sheketoff. Well, sir, on January 29 when the House
22 voted not to release the report to the public Mr. Pike was
23 very concerned about the security of it and we shred all the
24 copies that we had plus all of the odd pages that we had, but
25 he wanted us to maintain one corrected copy, the originals,
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1 and one copy that was sent over to the clerk and he kept those
2 in his safe.

3 Mr. Marshall. When the committee voted on January 23,
4 1976, to adopt the report was there any discussion by anyone
5 as to distributing advance copies to the press?

6 Ms. Sheketoff. Sir, I think but I don't recall there was
7 a discussion of giving an advance copy to the press so that they
8 could analyze it before the deadline, a hold-for-release sort
9 of thing, and I believe Mr. Pike's feeling was that that would
10 be unfair to the minority who had additional views.

11 Mr. Marshall. Do you know if any advance copies were
12 distributed to the press or to anyone acting on behalf of the
13 media?

14 Ms. Sheketoff. Not to my knowledge.

15 Mr. Marshall. Who was discussing this point; do you
16 recall?

17 Ms. Sheketoff. Some Congressmen.

18 Mr. Marshall. Some Select Committee members?

19 Ms. Sheketoff. Yes, sir.

20 Mr. Marshall. Do you know the names of the persons?

21 Ms. Sheketoff. I don't remember.

22 Mr. Marshall. But your recollection is that Chairman Pike
23 vetoed any advance distribution to the press of the January 23,
24 1976 Select Committee report?

25 Ms. Sheketoff. Sir, I don't think it came down to that

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1 specific a discussion. It was brought up that possibly there
2 should be a distribution to the press and Mr. Pike said, no,
3 that really wouldn't be fair to the minority who had additional
4 views, and that was the end of the discussion.

5 Mr. Marshall. Were there any records kept of how many
6 copies were shredded of any draft of the Select Committee's
7 report?

8 Ms. Sheketoff. No, sir; we just shred them.

9 Mr. Marshall. Do you have any idea how many you did
10 shred?

11 Ms. Sheketoff. Before we did Mr. Pike wanted to be sure
12 that we could account for all of them we did and then we shred
13 whatever we had. Some Congressmen had turned their copies back
14 into us and other Congressmen said they were going to keep them,
15 that they would obviously be keepsakes in the years to come
16 since they would never be published.

BB fls
5:30 pm

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1 Mr. Marshall. When you say they wanted you to account
2 for them, did you actually personally account for them?

3 Ms. Sheketoff. No, Mr. Field asked me if I could account
4 for everything and I think I wrote him a memo telling him the
5 Congressmen who had returned their copies to us and those who
6 hadn't and where our copies had been, so we totaled 20.

7 Mr. Marshall. Do you know where that memo is today?

8 Ms. Sheketoff. I am sure we shredded it.

9 Mr. Marshall. Do you have any recollection of which
10 Congressmen had kept copies and which had returned copies, as
11 you testified?

12 Ms. Sheketoff. I believe Mr. Johnson and Giaimo wanted
13 to keep their copies, they said they wanted to on Thursday
14 evening after the vote. Mr. Dellums was worried about security
15 so he wanted to turn his back in, so I am pretty sure he did.
16 I just don't remember anybody else.

17 Mr. Marshall. You don't remember the other Congressmen,
18 what they wanted to do or what they did, in fact, with their
19 copies?

20 Ms. Sheketoff. No, they probably would have turned them
21 in to Jackie and I would have asked her which ones had turned
22 them in and she probably told me. The only concern was that
23 we could account for where 20 was.

24 Mr. Marshall. That is all I have, Mr. Chairman.

25 Mr. Flynt. Are there further questions?

1 Ms. Sheketoff, you may step down with the thanks of the
2 Committee for your appearance and cooperation with the Committee
3 and investigative staff. We thank you very much.

4 The Committee stands adjourned until 11:00 o'clock
5 tomorrow.

6 (Whereupon, at 5:33 o'clock p.m., the Subcommittee was
7 adjourned to reconvene at 11:00 o'clock a.m., Thursday, July 29,
8 1976.)

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